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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

7° VICTORIÆ, 1844.

VOL. LXXII.

COMPRISING THE PERIOD FROM

THE FIRST DAY OF FEBRUARY,

TO

THE TWENTY-FIRST DAY OF FEBRUARY, 1844.

First Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1844.

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TABLE OF CONTENTS

TO

VOLUME LXXII.

THIRD SERIES.

I. Queen's Speech.
II. Subjects of Debate in the House of Lords.
III. Subjects of Debate in the House of Commons.
IV. Lists of Divisions.
V. Protests.

I. Queen's Speech.

Page

Feb. 1. The Queen's Speech 1

II. Subjects of Debate in the House of Lords.

Feb. 1. Meeting of Parliament 1
The Address in Answer to the Queen's Speech ... 6

5. Answer to the Address 208
Abolition of the Slave Trade—Question 209
Military Force in Ireland—Motion for Return of the Number of the Forces in Ireland 211
Operations in China—Letter from Admiral Sir W. Parker, acknowledging Vote of Thanks 212
Betting and Gambling—Second Reading of a Bill ... 216
Sanatory Condition of the Lower Orders—Question ... 220

6. Property of Felons—Motion for the production of a Letter, addressed to the Lords of the Treasury 260
Chinese Treaty—Questions 263
Corn-Laws 268

1844 Page

Feb. 6. Bank of England and Bank of Ireland—Motion for Papers 269
The Irish Poor-Law—Question 272

8. Penalties for Gaming—Second Reading of a Bill ... 335

9. Judicial Committee of the Privy Council—Explanation ... 467
Law of Libel—A Bill brought in and Read a First Time ... 469

12. Scinde—Vote of Thanks to the Army 490
Recent Affairs in Spain—Questions 501

13. State of Ireland—Motion for Inquiry into Alleged Grievances 602

15. State of Ireland—Adjourned Debate 859

16. Poor Law—Mother and Children—Explanation ... 993
The Earl of Dundonald's Invention—Petition 996
State of Ireland—Motion for Papers relative to the Number of Troops now in Ireland 998
The Gambling Acts—The Bill Read a First Time ... 1000

19. Gambling Transactions—(Witnesses' Indemnity)—The Second Reading of the Bill 1097
The Judicial Committee of the Privy Council—Explanation 1098
Communication with Ireland—Motion for Papers ... 1103
The Court of Chancery Fees—Account of, during the last Year, laid on Table 1103

III. Subjects of Debate in the House of Commons.

Feb. 1. Operations in China—Letters from Lord Saltoun, Major General Schoedde, and Admiral Sir W. Parker ... 41
The Address in Answer to the Queen's Speech ... 42

2. State of Canada—Question 144
Brazillian Treaty—Question 145
Charitable Trusts—Question 145
Mr. Bonham—Explanation 146
The Presentation of Petitions—Motion for Rescinding the Standing Orders—Motion withdrawn 147
Sessional Orders 155
The Report on the Address 160—Mr. S. Crawford's Motion to Omit Paragraph relating to Union with Ireland 160—Irish Registration, 204—Bank of England ... 207

5. Right of Search—Oregon Territory—Questions ... 228
Medical Reform—Question 229
Post Office—Question 230
Answer to the Address 231
Alleged Deficiency of the Civil List—Question 231

1844		Page
Feb. 5.	Railways—Motion for a Select Committee	232
	Merchant Seamen's Fund—Motion for a Select Committee...	257
6.	Isle of Man—Question	273
	The Light Gold Coinage—Question	273
	Committee on Railways—Question	274
	Cruizers on the African Coast—Question	275
	Commercial Treaties with France and Portugal—Question...	276
	Public Cemeteries—Answer to Question from Mr. Maclean	277
	Employment of Children in Factories—Leave given to bring in a Bill	277
	Railways Committee—Motion for, withdrawn ...	286
	Stopping the Supplies — Public Grievances — Amendmeat proposed by Mr. S. Crawford—Division Lists, &c. ..	296
	Landlord and Tenant Commission (Ireland)—Question ..	327
	Diisturbances at Roskeen—Question on going into a Committee of Supply	334
7.	Education—Question	334
8.	The Ameers of Scinde—Motion to restore them to Liberty —Divisions, &c.	342
	Mr. Bonham—The Storekeeper of the Ordnance—Motion for his Dismissal from Office	460
10.	Committee on Railways—Appointed	471
	Trade with China—Question	472
	Fisheries Convention—Question	475
	Poor Law Amendment—A Bill brought in and Read a First Time	476
	Offences on the High Seas Bill—A Bill brought in and Read a First Time	487
	Prison Discipline—Question	488
	Ecclesiastical Courts—Tithes—Question	488
	State of Ireland—Question	489
12.	Military Outrage at Brighton—Question	514
	Mothers and Children—Question	514
	Fisheries Convention—Question	516
	Land Tenure Commission (Ireland)—Questions ...	517
	Factories—Second Reading of the Bill	518
	Metropolitan Improvements—Third Reading of the Bill— Division Lists, &c.	519
	Vote of Thanks to Sir Charles Napier and the Army in Scinde —Division Lists, &c.	525
	Strangers—Publication of the Debates—Motion for a Select Committee—Division Lists, &c.	580
	Custom House Frauds—Motion for the Production of Papers	601
13.	Canada—Question	680
	Military in Ireland—Question	681
	Courts for Small Debts—Question	683

1844 *Page*

Feb. 13. State of Ireland—Motion for a Committee of the whole House 683

14. Poor Law—Question 787

Qui Tam Actions—Gambling Law—Second Reading of the Bill—Division Lists, &c. 789

State of Ireland—Adjourned Debate 808

15. State of Ireland—Adjourned Debate (Third Night) ... 925

16. State of Ireland—Adjourned Debate (Fourth Night) ... 1001

Stipendiary Magistrates (Ireland)—Motion for Return of Appointments from January 1st, 1839, to September 1st, 1841 1096

19. Law of Conspiracy—Question... 1104

Turnpike Trusts—Question 1106

State of Ireland—Adjourned Debate (Fifth Night) ... 1106

20. State of Ireland—Adjourned Debate (Sixth Night) ... 1209

21. County Coroners—The Second Reading of the Bill ... 1312

Penalties on Horse Racing—Bill Reported—Division Lists, &c. 1313

State of Ireland—Adjourned Debate (Seventh Night) ... 1331

IV. Lists of the Divisions.

Feb. 1. The Ayes and the Noes on Mr. S. Crawford's Amendment to the Address in Answer to the Queen's Speech ... 139

The Ayes and the Noes on Mr. Hume's Amendment to the Address in Answer to the Queen's Speech 139

2. The Ayes and the Noes on Mr. S. Crawford's Motion to Omit from the Address the Paragraph relating to the Union with Ireland 200

6. The Ayes and the Noes on Mr. S. Crawford's Amendment to the House going into Committee of Supply ... 326

8. The Ayes and the Noes on Lord Ashley's Motion for Restoring the Ameers of Scinde to Liberty 458

12. The Ayes and the Noes on Mr. Hume's Amendment on the Third Reading of the Metropolitan Improvements Bill ... 523

The Ayes and the Noes on Mr. S. Crawford's Motion to put the Previous Question on a Motion for a Vote of Thanks to Sir Charles Napier and the Army in Scinde ... 578

The Ayes and the Noes on Mr. Christie's Motion for the Appointment of a Select Committee to Consider the Expediency of Recognizing the Publication of Debates ... 600

14. The Ayes and the Noes on Mr. Milner Gibson's Amendment on the Second Reading of the Horse Racing Penalties Bill 806

21. The Ayes and the Noes on Mr. Christie's Amendment to the Penalties on Horse Racing Bill 1313

V. Protest.

Feb. 15. On the Marquess of Normanby's Motion for Inquiry into the Alleged Grievances of Ireland 924

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Lord Chancellor	Lord Lyndhurst.
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First Lord of the Admiralty	Earl of Haddington.
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Lord Privy Seal	Duke of Buccleuch and Queensberry.
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Foreign Secretary	Earl of Aberdeen.
Colonial Secretary	Lord Stanley.
President of the Board of Control	Earl of Ripon.
Secretary-at-War	Right Hon. Sir Henry Hardinge.
President of the Board of Trade and Master of the Mint	Right Hon. William Ewart Gladstone.
Chancellor of the Exchequer	Right Hon. Henry Goulburn.
Paymaster-General	Right Hon. Sir Edward Knatchbull, Bart.

NOT OF THE CABINET.

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Chancellor of the Duchy of Lancaster	Lord Granville Somerset.
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Vice President of the Board of Trade	Earl of Dalhousie.
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Solicitor-General	Adam Anderson, Esq.

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Lord Chamberlain	Earl De Lawarr.
Master of the Horse	Earl of Jersey.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL,

IN THE *FOURTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*.

7° VICTORIÆ 1844.

His Royal Highness THE PRINCE OF WALES.

His Royal Highness ERNEST AUGUSTUS Duke of CUMBERLAND and TEVIOTDALE. *(King of Hanover.)*

His Royal Highness ADOLPHUS FREDERICK Duke of CAMBRIDGE.

WILLIAM Archbishop of CANTERBURY.

JOHN SINGLETON Lord LYNDHURST, *Lord Chancellor.*

EDWARD Archbishop of YORK.

JOHN GEORGE Archbishop of ARMAGH and TUAM.

JAMES ARCHIBALD Lord WHARNCLIFFE, *Lord President of the Council.*

WALTER FRANCIS Earl of DONCASTER *(Duke of Buccleuch and Queensberry)*, *Lord Privy Seal.*

HENRY CHARLES Duke of NORFOLK, *Earl Marshal of England.*

EDWARD ADOLPHUS Duke of SOMERSET.

CHARLES Duke of RICHMOND.

GEORGE HENRY Duke of GRAFTON.

HENRY Duke of BEAUFORT.

WILLIAM AUBREY DE VERE Duke of ST. ALBAN'S.

FRANCIS GODOLPHIN D'ARCY Duke of LEEDS.

FRANCIS Duke of BEDFORD.

WILLIAM SPENCER Duke of DEVONSHIRE.

GEORGE Duke of MARLBOROUGH.

JOHN HENRY Duke of RUTLAND.

ALEXANDER Duke of BRANDON. *(Duke of Hamilton.)*

WILLIAM HENRY CAVENDISH Duke of PORTLAND.

GEORGE Duke of MANCHESTER.

HENRY PELHAM Duke of NEWCASTLE.

HUGH Duke of NORTHUMBERLAND.

ARTHUR Duke of WELLINGTON.

RICHARD PLANTAGENET Duke of BUCKINGHAM and CHANDOS.

GEORGE GRANVILLE Duke of SUTHERLAND.

HENRY Duke of CLEVELAND.

JOHN Marquess of WINCHESTER.

GEORGE Marquess of TWEEDDALE. *(Elected for Scotland.)*

HENRY Marquess of LANSDOWNE.

GEORGE FERRARS Marquess TOWNSHEND.

JAMES BROWNLOW WILLIAM Marquess of SALISBURY.

JOHN ALEXANDER Marquess of BATH.

JAMES Marquess of ABERCORN.

RICHARD Marquess of HERTFORD.

JOHN Marquess of BUTE.

WILLIAM Marquess of THOMOND. *(Lord Tadcaster) (Elected for Ireland.)*

BROWNLOW Marquess of EXETER.

SPENCER JOSHUA ALWYNE Marquess of NORTHAMPTON.

GEORGE CHARLES Marquess CAMDEN.

HENRY WILLIAM Marq. of ANGLESEY.

GEORGE HORATIO Marquess of CHOLMONDELEY.

PAULYN REGINALD SERLO Marquess of HASTINGS.

CHARLES Marquess of AILESBURY.

GEORGE THOMAS JOHN Marquess of WESTMEATH. *(Elected for Ireland.)*

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ARCHIBALD Marquess of AILSA.

JOHN Marquess of BREADALBANE.

ROBERT Marquess of WESTMINSTER.

CONSTANTINE HENRY Marquess of NORMANBY.

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GEORGE JOHN Earl DE LAWARR, *Lord Chamberlain of the Household.*

JOHN Earl of SHREWSBURY.

EDWARD Earl of DERBY.

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ROBERT HENRY Earl of PEMBROKE and MONTGOMERY.

WILLIAM Earl of DEVON.

THOMAS Earl of SUFFOLK and BERKSHIRE.

WILLIAM BASIL PERCY Earl of DENBIGH.

JOHN Earl of WESTMORELAND.

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GEORGE HARRY Earl of STAMFORD and WARRINGTON.

GEORGE WILLIAM Earl of WINCHILSEA and NOTTINGHAM.

GEORGE Earl of CHESTERFIELD.

HENRY Earl of THANET.

JOHN WILLIAM Earl of SANDWICH.

ARTHUR ALGERNON Earl of ESSEX.

JAMES THOMAS Earl of CARDIGAN.

GEORGE Earl of CARLISLE.

WALTER FRANCIS Earl of DONCASTER. *(Duke of Buccleuch and Queensberry.) (In another place as Lord Privy Seal.)*

CROPLEY Earl of SHAFTESBURY.

———— Earl of BERKELEY.

MONTAGU Earl of ABINGDON.

JOHN SAVILE Earl of SCARBOROUGH.

WILLIAM CHARLES Earl of ALBEMARLE.

GEORGE WILLIAM Earl of COVENTRY.

GEORGE Earl of JERSEY.

JOHN Earl POULETT.

GEORGE SHOLTO Earl of MORTON. *(Elected for Scotland.)*

COSPATRICK ALEXANDER Earl of HOME. *(Elected for Scotland.)*

DAVID Earl of AIRLIE. *(Elected for Scotland.)*

DAVID Earl of LEVEN and MELVILLE. *(Elected for Scotland.)*

DUNBAR JAMES Earl of SELKIRK. *(Elected for Scotland.)*

THOMAS JOHN Earl of ORKNEY. *(Elected for Scotland.)*

FRANCIS WILLIAM Earl of SEAFIELD. *(Elected for Scotland.)*

EDWARD Earl of OXFORD and Earl MORTIMER.

WASHINGTON SEWALLIS Earl FERRERS.

WILLIAM Earl of DARTMOUTH.

CHARLES AUGUSTUS Earl of TANKERVILLE.

HENEAGE Earl of AYLESFORD.

GEORGE AUGUSTUS Earl COWPER.

PHILIP HENRY Earl STANHOPE.

ROBERT Earl of HARBOROUGH.

THOMAS Earl of MACCLESFIELD.

GEORGE WILLIAM RICHARD Earl of POMFRET.

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BERTRAM Earl of ASHBURNHAM.

CHARLES Earl of HARRINGTON.

JOHN CHARLES Earl of PORTSMOUTH.

HENRY RICHARD Earl BROOKE and Earl of WARWICK.

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GEORGE Earl of EGREMONT.

FRANCIS Earl of GUILFORD.

JAMES Earl CORNWALLIS.

CHARLES PHILIP Earl of HARDWICKE.

HENRY STEPHEN Earl of ILCHESTER.

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JOHN CHARLES Earl SPENCER.

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Arthur Blundell Sandys Trumbull Earl of Hillsborough. (*Marquess of Downshire.*)

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Charles Chetwynd Earl Talbot.

John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgecumbe.

Hugh Earl Fortescue.

Edward Earl of Digby.

George Earl of Beverley.

William David Earl of Mansfield in Middlesex. (*In another place as Earl of Mansfield in the County of Nottingham.*

Henry John George Earl of Carnarvon.

Charles Cecil Cope Earl of Liverpool. (*In another place as Lord Steward of the Household.*)

George Earl Cadogan.

James Howard Earl of Malmesbury.

Francis William Earl of Charlemont. (*Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

John Earl of Mayo. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

James Earl of Bandon. (*Elected for Ireland.*)

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Charles William Earl of Charleville. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

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Charles Earl Grey.

William Earl of Lonsdale.

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John Earl Brownlow.

William Earl of Saint Germans.

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

John Reginald Earl Beauchamp.

Richard Earl of Glengall. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

George Henry Earl of Falmouth.

Richard William Penn Earl Howe.

John Somers Earl Somers.

John Edward Cornwallis Earl of Stradbroke.

Windham Henry Earl of Dunraven. (*Elected for Ireland.*)

Charles William Earl Vane. (*Marquess of Londonderry.*)

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

William Earl of Burlington.

Robert Earl of Camperdown.

Thomas William Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

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Granville Earl Granville.

Kenneth Alexander Earl of Effingham.

Henry George Francis Earl of Ducie.

Charles Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

THOMAS Earl of ZETLAND.
GEORGE Earl of AUCKLAND.
CHARLES NOEL Earl of GAINSBOROUGH.
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JAMES Viscount STRATHALLAN. *(Elected for Scotland.)*
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GEORGE Viscount TORRINGTON.
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JOHN ROBERT Viscount SYDNEY.
SAMUEL Viscount HOOD.
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HUGH Bishop of CARLISLE.
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RICHARD Bishop of OXFORD.
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EDWARD Bishop of SALISBURY.
EDWARD Bishop of NORWICH.
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THOMAS Lord CAMOYS.
THOMAS MILES Lord BEAUMONT.
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HENRY Lord BERNERS.
HENRY PEYTO Lord WILLOUGHBY DE BROKE.
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HENRY Lord PAGET.
ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.
CHARLES AUGUSTUS Lord HOWARD de WALDEN.
GEORGE HARRY Lord GREY of GROBY.
WILLIAM FRANCIS HENRY Lord PETRE.

Gregory William Lord Saye and Sele.
Henry Benedict Lord Arundell of Wardour.
John Lord Clifton. *(Earl of Darnley.)*
Joseph Thaddeus Lord Dormer.
George Henry Lord Teynham.
George William Lord Stafford.
George Anson Lord Byron.
William Lord Ward.
Hugh Charles Lord Clifford of Chudleigh.
Alexander George Lord Saltoun. *(Elected for Scotland.)*
Charles Lord Sinclair. *(Elected for Scotland.)*
John Lord Colville of Culross. *(Elected for Scotland.)*
Eric Lord Reay. *(Elected for Scotland.)*
John Lord Rollo. *(Elected for Scotland.)*
Henry Francis Lord Polwarth. *(Elected for Scotland.)*
Edmund Lord Boyle. *(Earl of Cork and Orrery.)*
Thomas Robert Lord Hay. *(Earl of Kinnoul.)*
Digby Lord Middleton.
William John Lord Monson.
Henry Lord Montfort.
George William Frederick Lord Bruce.
Frederick Lord Ponsonby. *(Earl of Bessborough.)*
George John Lord Sondes.
Nathaniel Lord Scarsdale.
George Lord Boston.
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Thomas Henry Lord Foley.
George Talbot Lord Dynevor.
Thomas Lord Walsingham.
William Lord Bagot.
Charles Lord Southampton.
Fletcher Lord Grantley.
Spencer Lord Rodney.
John Lord Carteret.
Richard Noel Lord Berwick.
John Lord Sherborne.
Henry James Montagu Lord Montagu.
Henry Lord Tyrone. *(Marquess of Waterford.)*
Richard Lord Carleton. *(Earl of Shannon.)*
Edward Lord Suffield.
Guy Lord Dorchester.
George Lord Kenyon.
Richard Lord Braybrooke.
George Augustus Lord Fisherwick. *(Marquess of Donegal.)*
Charles Lord Douglas of Douglas.
Henry Hall Lord Gage. *(Visc. Gage.)*
Edward Thomas Lord Thurlow.
George William Lord Lyttelton.
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Henry Lord Bayning.
William Powlett Lord Bolton.
William Lord Lowther
John Lord Wodehouse.
John Lord Northwick.
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Thomas Lord Ribblesdale.
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Cadwallader Davis Lord Blayney. *(Elected for Ireland.)*
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Henry Lord Dunalley. *(Elected for Ireland.)*

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GEORGE RALPH Lord ABERCROMBY.

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GEORGE Lord RIVERS.

EDWARD Lord ELLENBOROUGH.

ARTHUR MOYSES WILLIAM Lord SANDYS.

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HOWE PETER Lord MONT EAGLE. *(Marquess of Sligo.)*

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JAMES Lord LAUDERDALE. *(Earl of Lauderdale.)*

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HUNGERFORD Lord CREWE.

ALAN LEGGE Lord GARDNER.

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RICHARD Lord CASTLEMAINE. *(Elected for Ireland.)*

JAMES ANDREW Lord DALHOUSIE. *(Earl of Dalhousie.)*

GEORGE Lord MELDRUM. *(Marquess of Huntly.)*

JAMES Lord ROSS. *(Earl of Glasgow.)*

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EDMUND HENRY Lord FOXFORD. *(In another place as Earl of Limerick.)*

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WILLIAM Lord MELBOURNE. *(Viscount Melbourne.)*

WILLIAM GEORGE Lord HARRIS.

ALGERNON Lord PRUDHOE.

CHARLES Lord COLCHESTER.

WILLIAM SCHOMBERG ROBERT Lord KER. *(Marquess of Lothian.)*

FRANCIS NATHANIEL Lord MINSTER, *(Marquess Conyngham.)*

JOHN Lord ORMONDE. *(Marquess of Ormonde.)*

FRANCIS Lord WEMYSS *(Earl of Wemyss.)*

ROBERT Lord CLANBRASSIL. *(Earl of Roden.)*

ROBERT Lord KINGSTON. *(Earl of Kingston.)*

EDWARD MICHAEL Lord SILCHESTER. *(Earl of Longford.)*

GEORGE AUGUSTUS FREDERICK JOHN Lord GLENLYON.

WILLIAM Lord MARYBOROUGH. *(Earl of Mornington.)*

JOHN Lord ORIEL. *(Viscount Massareene and Ferrard.)*

THOMAS HENRY Lord RAVENSWORTH.

THOMAS Lord DELAMERE.

JOHN GEORGE WELD Lord FORESTER.

JOHN JAMES Lord RAYLEIGH.

ULYSSES Lord DOWNES. *(Elected for Ireland.)*

NICHOLAS Lord BEXLEY.

ROBERT FRANCIS Lord GIFFORD.

PERCY CLINTON SYDNEY Lord PENSHURST. *(Viscount Strangford.)*

WILLIAM Lord TADCASTER. *(In another place as Marquess of Thomond.)*

ULICK JOHN Lord SOMERHILL. *(Marquess of Clanricarde.)*

JAMES Lord WIGAN. *(Earl of Balcarres.)*

THOMAS Lord RANFURLY. *(Earl of Ranfurly.)*

GEORGE Lord DE TABLEY.

JAMES ARCHIBALD Lord WHARNCLIFFE. *(In another place as Lord President of the Council.)*

WILLIAM Lord FEVERSHAM.

CHARLES ROSE Lord SEAFORD.

JOHN SINGLETON Lord LYNDHURST. *(In another place as Lord Chancellor.)*

JAMES Lord FIFE. *(Earl of Fife.)*

JOHN HENRY Lord TENTERDEN.

WILLIAM CONYNGHAM Lord PLUNKET.

THOMAS Lord MELROS. *(Earl of Haddington.)*

HENRY Lord COWLEY

CHARLES Lord STUART DE ROTHESAY.

WILLIAM Lord HEYTESBURY.

ARCHIBALD JOHN Lord ROSEBERY. *(Earl of Rosebery.)*

RICHARD Lord CLANWILLIAM. *(Earl of Clanwilliam.)*

EDWARD Lord SKELMERSDALE.

Thomas Lord Wallace.
William Draper Lord Wynford.
Henry Lord Brougham and Vaux.
William George Lord Kilmarnock. *(Earl of Erroll.)*
Arthur James Lord Fingall. *(Earl of Fingall.)*
Charles William Lord Sefton. *(Earl of Sefton.)*
Nathaniel Lord Clements. *(Earl of Leitrim.)*
George William Fox Lord Rossie. *(Lord Kinnaird.)*
Thomas Lord Kenlis. *(Marquess of Headfort.)*
John Chambre Lord Chaworth. *(Earl of Meath.)*
Alexander Edward Lord Dunmore. *(Earl of Dunmore.)*
Robert Montgomery Lord Hamilton. *(Lord Belhaven and Stenton.)*
John Hobart Lord Howden.
William Lord Panmure.
George Warwick Lord Poltimore.
Edward Pryce Lord Mostyn.
Henry Spencer Lord Templemore.
William Lewis Lord Dinorben.
Valentine Browne Lord Cloncurry.
James Lord De Saumarez.
Francis Godolphin Lord Godolphin.
Lucius Lord Hunsdon. *(Visc. Falkland.)*
Charles Callis Lord Western.
Thomas Lord Denman.
John William Lord Duncannon.
James Lord Abinger.
Philip Charles Lord De L'Isle and Dudley.
Alexander Lord Ashburton.
Charles Lord Glenelg.
Edward John Lord Hatherton.
John Lord Strafford.
Archibald Lord Worlingham. *(In another place as Earl of Gosford.)*
Charles Christopher Lord Cottenham.
Henry Lord Langdale.
Edward Berkeley Lord Portman.
Thomas Alexander Lord Lovat.
William Lord Bateman.
Francis William Lord Charlemont. *(In another place as Earl of Charlemont.)*
Anthony Adrian Lord Kintore. *(Earl of Kintore.)*
Cornelius Lord Lismore. *(Viscount Lismore.)*
Henry Robert Lord Rossmore.
Robert Shapland Lord Carew.
William Francis Spencer Lord De Mauley.
John Lord Wrottesley.
Charles Lord Sudeley.
Paul Lord Methuen.
Frederick James Lord Beauvale.
Richard Wogan Lord Furnival. *(Lord Talbot of Malahide.)*
John Thomas Lord Stanley of Alderley.
Henry Lord Stuart de Decies.
Chandos Lord Leigh
Paul Beilby Lord Wenlock.
Charles Lord Lurgan.
Nicholas William Lord Colborne.
Arthur Lord De Freyne.
James Lord Dunfermline.
Thomas Lord Monteagle of Brandon
John Lord Seaton.
John Lord Keane.
John Lord Campbell.
John Lord Oxenfoord. *(Earl of Stair.)*
Valentine Lord Kenmare. *(Earl of Kenmare.)*
George Hamilton Lord Ennishowen and Carrickfergus.
Charles Crespigny Lord Vivian.
John Lord Congleton.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND*: AMENDED TO THE OPENING OF THE *FOURTH SESSION*, ON THE 1ST DAY OF FEBRUARY, 1844.

ABINGDON.
Thomas Duffield.

ANDOVER.
Ralph Etwall,
Hon. (William Paget) Lord W. Paget.

ANGLESEY.
Hon. William Owen Stanley.

ARUNDEL.
Hon. Henry Granville (Howard) Earl of Arundel and Surrey.

ASHBURTON.
James Matheson.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
Charles John Baillie Hamilton,
Rice Richard Clayton.

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Frederick Hodgson,
Montague Gore.

BATH.
Hon. Adam (Duncan) Viscount Duncan,
John Arthur Roebuck.

BEAUMARIS.
Frederick Paget.

BEDFORD.
Frederick Polhill,
Henry Stuart.

BEDFORDSHIRE.
Hon. John Hume (Cust) Viscount Alford,
William Astell.

BERKSHIRE.
Robert Palmer,
Philip Pusey,
Rt. hon. William Keppel Viscount Barrington.

BERWICK-UPON-TWEED.
Richard Hodgson,
Matthew Forster.

BEVERLEY.
John Towneley,
James Weir Hogg.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
George Frederick Muntz,
Joshua Scholefield.

BLACKBURN.
William Feilden,
John Hornby.

BODMIN.
Hon. John (Townshend) Earl of Leicester,

BOLTON-LE-MOORS.
Peter Ainsworth,
John Bowring.

BOSTON.
John Studholme Brownrigg,
Sir James Duke, knt.

BRADFORD.
John Hardy,
William Busfeild.

BRECKNOCKSHIRE.
Thomas Wood.

BRECKNOCK.
Charles Morgan Robinson Morgan.

BRIDGENORTH.
Thos. Charlton Whitmore,
Sir Robert Pigot, bt.

BRIDGEWATER.
Henry Broadwood,
Thomas Seaton Forman.

BRIDPORT.
Thomas Alexander Mitchell,
Alexander Dundas Rose Wishart Baillie Cochrane.

BRIGHTON.
George Richard Pechell,
Hon. (Alfred Hervey) Lord A. Hervey.

BRISTOL.
Philip William Skynner Miles,
Hon. Francis Henry Fitzhardinge Berkeley.

BUCKINGHAM.
Sir Thomas Francis Fremantle, bt.,
Sir John Chetwode, bt.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Charles Robert Scott Murray.
Hon. William Edward Fitzmaurice,

BURY.
Richard Walker.

BURY ST. EDMUND'S.
Hon. Frederick William (Hervey) Earl Jermyn,
Rt. Hon. (Charles Fitzroy) Lord C. Fitzroy.

CALNE.
Hon. Henry (Petty Fitzmaurice) Earl of Shelburne.

CAMBRIDGE.
Hon. John Henry Thomas Manners Sutton,
Fitz Roy Kelly.

CAMBRIDGESHIRE.
Hon. Eliot Thomas Yorke,
Richard Jefferson Eaton,
John Peter Allix.

CAMBRIDGE (UNIVERSITY)
Rt. hon. Henry Goulburn,
Hon. Charles Ewan Law.

CANTERBURY.
Hon.GeorgeAugustusPercy Sydney Smythe,
James Bradshaw.

CARDIFF.
Rt. hon. John Iltid Nicholl.

CARDIGAN.
Pryse Pryse.

CARDIGANSHIRE.
William Edward Powell.

CARLISLE.
Philip Henry Howard,
William Marshall.

CARMARTHEN.
David Morris.

CARMARTHENSHIRE.
Hon. George Rice Rice Trevor,
David Arthur Saunders Davies.

CARNARVON.
William Bulkeley Hughes.

CARNARVONSHIRE.
Hon.Edward Gordon Douglas Pennant.

CHATHAM.
Rt. hon. George Stevens Byng.

CHELTENHAM.
Hon. Craven Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)
William Tatton Egerton,
George Cornwall Legh.
(Southern Division.)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Rt. hon.(Robert Grosvenor) Lord R. Grosvenor,
John Jervis.

CHICHESTER.
Hon. (Arthur Lennox) Lord A. Lennox,
John Abel Smith.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
Rt. hon. Sir George Henry Rose G.C.H.

CIRENCESTER.
Thomas William Chester Master,
William Cripps.

CLITHEROE.
Edward Cardwell.

COCKERMOUTH.
Henry Aglionby Aglionby,
Edward Horsman.

COLCHESTER.
Richard Sanderson,
Sir George Henry Smyth,bt.

CORNWALL.
(Eastern Division.)
Hon. Edward Granville (Eliot) Lord Eliot,
William Rashleigh.
(Western Division.)
Edward William Wynne Pendarves,
Sir Charles Lemon, bt.

COVENTRY.
Rt. hon. Edward Ellice,
William Williams.

CRICKLADE.
John Neeld,
Hon. Henry Thomas Howard.

CUMBERLAND.
(Eastern Division).
Hon. Charles Wentworth George Howard,
William James.
(Western Division.)
Samuel Irton,
Edward Stanley.

DARTMOUTH.
Sir John Henry Seale, bt.

DENBIGH.
Townshend Mainwaring.

DENBIGHSHIRE.
Hon. William Bagot,
Sir Watkin Williams Wynn.

DERBY.
Edward Strutt,
Hon.John George Brabazon Ponsonby.

DERBYSHIRE.
(Northern Division.)
Hon.Geo.Henry Cavendish,
William Evans.
(Southern Division.)
Edward Miller Mundy,
Charles Robert Colvile.

DEVIZES.
George Heneage Walker Heneage.

DEVONPORT.
Henry Tufnell,
Rt.hon. Sir George Grey, bt.

DEVONSHIRE
(Northern Division.)
Sir Thomas Dyke Acland, bt.,
Lewis William Buck.
(Southern Division.)
Sir John Buller Yarde Buller, bt.,
Hon. William Reginald (Courtenay) Visc. Courtenay.

DORCHESTER.
Hon. Anthony Henry Ashley-Cooper,
Rt. hon. Sir James Robert George Graham, bt.

DORSETSHIRE.
Hon. Anthony (Ashley Cooper) Lord Ashley,
Henry Charles Sturt,
George Bankes.

DOVOR.
Sir John Rae Reid, bt.,
Edward Royd Rice

DROITWICH.
John Somerset Pakington.

DUDLEY.
Thomas Hawkes.

DURHAM.
(Northern Division.)
Hedworth Lambton,
Hon.Henry Thomas Liddell.
(Southern Division.)
Hon. (Harry Vane) Lord H. Vane,
John Bowes.

DURHAM (CITY.)
Thomas Colpitts Granger,
John Bright.

ESSEX.
(Northern Division.)
Sir John Tyssen Tyrell, bt.,
Charles Gray Round.
(Southern Division.)
Thomas William Bramston,
George Palmer.

EVESHAM.
Hon. Arthur (Marcus Cecil Hill) Lord A. M. C. Hill,
Peter Borthwick.

EXETER.
Sir William Webb Follett, knt.,
Edward Divett.

EYE.
Sir Edward Kerrison, bt.

FINSBURY.
Thos. Slingsby Duncombe,
Thomas Wakley.

FLINT.
Sir Richard Bulkeley Williams Bulkeley, bt.

FLINTSHIRE.
Sir Stephen Richard Glynne, bart.

FROME.
Thomas Sheppard.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Hon. Edward Richard Wyndham (Wyndham Quin) viscount Adare,
Christopher Rice Mansel Talbot.

GLOUCESTER.
John Phillpots,
Hon. Maurice Frederick Fitzhardinge Berkeley.

GLOUCESTERSHIRE.
(*Eastern Division.*)
Sir Christopher William Codrington, bt.
Hon. Francis Charteris.
(*Western Division.*)
Hon. George Charles Grantley Fitzhardinge Berkeley,
Robert Blagden Hale.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
James Whitley Deans Dundas,
Edward George Barnard.

GRIMSBY (GREAT).
Edward Heneage.

GUILDFORD.
Ross Donnelly Mangles,
Charles Baring Wall.

HALIFAX.
Edward Protheroe,
Charles Wood.

HAMPSHIRE.
(*Northern Division.*)
Rt. hon. Charles Shaw Lefevre,
Sir William Heathcote, bt.
(*Southern Division.*)
Hon. (Charles Wellesley) Lord C. Wellesley,
Henry Combe Compton.

HARWICH.
John Attwood,
William Beresford.

HASTINGS.
Rt. hon. Joseph Planta,
Robert Hollond.

HAVERFORDWEST.
Sir Richard Bulkeley Philipps Philipps, bt.

HELSTON.
Sir Richard Rawlinson Vyvyan, bt.

HEREFORD.
Edward Bolton Clive,
Robert Pulsford.

HEREFORDSHIRE.
Kedgwin Hoskins,
Thomas Baskerville Mynors Baskerville,
Joseph Bailey.

HERTFORD.
Hon. Philip Henry (Stanhope) viscount Mahon,
Hon. William Francis Cowper.

HERTFORDSHIRE.
Hon. James Walter (Grimston) viscount Grimston,
Abel Smith,
Hon. Granville Dudley Ryder.

HONITON.
Hugh Duncan Baillie,
Forster Alleyne Mac Geachy.

HORSHAM.
Hon. Robert Campbell Scarlett.

HUDDERSFIELD.
William Rookes Crompton Stansfield.

HUNTINGDON.
Sir Frederick Pollock, knt.,
Jonathan Peel.

HUNTINGDONSHIRE.
Edward Fellowes,
George Thornhill.

HYTHE.
Stewart Marjoribanks.

IPSWICH.
John Neilstone Gladstone,
Sackville Lane Fox.

KENDAL.
Henry Warburton.

KENT.
(*Eastern Division.*)
Rt. hon. Sir Edward Knatchbull, bt.,
John Pemberton Plumptre.
(*Western Division.*)
Sir Edmund Filmer, bt.,
Hon. Charles (Marsham) viscount Marsham.

KIDDERMINSTER.
Richard Godson.

KING'S LYNN.
Hon. (William George Frederick Cavendish Bentinck) Lord W. G. F. C. Bentinck,
Hon. Robert (Jocelyn) Viscount Jocelyn.

KINGSTON-UPON-HULL.
Sir John Hanmer, bt.,
Sir Walter Charles James, bt.

KNARESBOROUGH.
Andrew Lawson,
William Busfeild Ferrand.

LAMBETH.
Benjamin Hawes,
Rt. Hon. Charles Tennyson D'Eyncourt.

LANCASHIRE.
(*Southern Division.*)
Rt. hon. (Francis Leveson Egerton) Lord F. L. Egerton,
Hon. Richard Bootle Wilbraham.
(*Northern Division.*)
John Wilson Patten,
Rt. hon. Edward Geoffrey (Smith Stanley) Lord Stanley.

LANCASTER.
Thomas Greene,
George Marton.

LAUNCESTON.
Rt. hon. Sir Henry Hardinge, K.C.B.

LEEDS.
William Beckett,
William Aldam.

LEICESTER.
Sir John Easthope, bt.,
Wynn Ellis.

LEICESTERSHIRE
(*Northern Division.*)
Hon. (Charles Henry Somerset Manners) Lord C. H. S. Manners,
Edward Basil Farnham.
(*Southern Division.*)
Henry Halford,
Charles William Packe.

LEOMINSTER.
Charles Greenaway,
George Arkwright.

LEWES.
Hon. Henry Fitzroy,
Howard Elphinstone.

LICHFIELD.
Hon. (Alfred Henry Paget) Lord A. H. Paget,
Hon. Granville George (Leveson Gower) Lord Leveson.

LINCOLN.
Charles De Laet Waldo Sibthorp,
William Rickford Collett.

LINCOLNSHIRE.
(*Parts of Kesteven and Holland.*)
Christopher Turnor,
Sir John Trollope, bt.
(*Parts of Lindsey.*)
Hon. Charles Anderson Worsley (Pelham) Lord Worsley,
Robert Adam Christopher.

LISKEARD.
Charles Buller.

LIVERPOOL.
Hon. Dudley (Ryder) Viscount Sandon,
Sir Howard Douglas, bt.

LONDON.
John Masterman,
James Pattison,
George Lyall,
Rt. hon. (John Russell) Lord J. Russell.

LUDLOW.
Beriah Botfield,
James Ackers.

LYME REGIS.
Thomas Hussey.

LYMINGTON.
John Stewart,
William Alex. Mackinnon.

MACCLESFIELD.
John Brocklehurst,
Thomas Grimsditch.

MAIDSTONE.
Alexander James Beresford Hope,
George Dodd.

MALDON.
Quintin Dick,
John Round.

MALMESBURY.
Hon. Jas. Kenneth Howard.

MALTON.
John Walbanke Childers,
John Evelyn Denison.

MANCHESTER.
Mark Philips,
Thomas Milner Gibson.

MARLBOROUGH.
Hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Renn Hampden.

MARYLEBONE.
Sir Benjamin Hall, bt.,
Sir Charles Napier, K.C.B.

MERIONETHSHIRE.
Richard Richards.

MERTHYR TYDVIL.
Sir Josiah John Guest, bt.

MIDDLESEX.
George Byng,
Thomas Wood.

MIDHURST.
Sir Horace Beauchamp Seymour, knt.

MONMOUTH.
Reginald James Blewitt.

MONMOUTHSHIRE.
Rt. hon. (Granville Charles Henry Somerset) Lord G. C. H. Somerset,
Charles Octavius Swinnerton Morgan.

MONTGOMERY.
Hon. Hugh Cholmondeley.

MONTGOMERYSHIRE.
Rt. hon. Charles Watkin Williams Wynn.

MORPETH.
Hon. Edward George Granville Howard.

NEWARK-UPON-TRENT.
Rt. hon. William Ewart Gladstone,
Hon. (John Manners) Lord J. Manners.

NEWCASTLE-UNDER-LYME.
Edmund Buckley,
John Campbell Colquhoun.

NEWCASTLE-UPON-TYNE.
William Ord,
John Hodgson Hinde.

NEWPORT.
Charles Wykeham Martin,
William John Hamilton.

NORFOLK.
(*Eastern Division.*)
Edmund Wodehouse,
Henry Negus Burroughes.
(*Western Division.*)
William Bagge,
Wm. Lyde Wiggett Chute

NORTHALLERTON.
William Battye Wrightson.

NORTHAMPTON.
Rt. Hon. Robert Vernon Smith,
Raikes Currie.

NORTHAMPTONSHIRE.
(*Northern Division.*)
Thomas Philip Maunsell,
Augustus Stafford O'Brien.
(*Southern Division.*)
William Ralph Cartwright,
Sir Charles Knightley, bt.

NORTHUMBERLAND.
(*Northern Division.*)
Hon. Charles (Bennett) Lord Ossulston,
Addison John Baker Cresswell.
(*Southern Division.*)
Matthew Bell,
Savile Craven Henry Ogle.

NORWICH.
Hon. Arthur Richard (Wellesley) Marquess of Douro,
Benjamin Smith.

NOTTINGHAM.
Rt. hon. Sir John Cam Hobhouse, bt.,
Thomas Gisborne.

NOTTINGHAMSHIRE.
(*Northern Division.*)
Thomas Houldsworth,
Henry Gally Knight.
(*Southern Division.*)
Hon. Henry Pelham (Fiennes Pelham Clinton) Earl of Lincoln,
Lancelot Rolleston.

OLDHAM.
John Fielden,
William Augustus Johnson.

OXFORD (CITY.)
James Haughton Langston,
Donald Maclean.

OXFORDSHIRE.
Hon. Montague (Bertie) Lord Norreys,
George Granville Harcourt,
Joseph Warner Henley.

OXFORD (UNIVERSITY.)
Thomas Grimston Bucknall Estcourt,
Sir Robert Harry Inglis, bt.

PEMBROKE.
Sir John Owen, bt.

PEMBROKESHIRE.
Hon. John Frederick Vaughan (Campbell) viscount Emlyn.
PENRYN and FALMOUTH.
Hon. John Cranch Walker Vivian,
James Hanway Plumridge.
PETERBOROUGH.
Hon. George Wentworth Fitzwilliam,
Sir Robert Heron, bt.
PETERSFIELD.
Sir William George Hylton Jolliffe, bt.
PLYMOUTH.
Thomas Gill,
Hon. Hugh (Fortescue) viscount Ebrington.
PONTEFRACT.
Hon. John Charles George (Saville) visc. Pollington,
Richard Monckton Milnes.
POOLE.
Hon. Chas. Fred. Ashley Cooper Ponsonby,
George Richard Philips.
PORTSMOUTH.
Rt. Hon. Francis Thornhill Baring,
Sir George Thomas Staunton, bt.
PRESTON.
Sir Peter Hesketh Fleetwood, bt.,
Sir George Strickland, bt.
RADNOR (NEW).
Richard Price.
RADNORSHIRE.
Sir John Benn Walsh, bt.
READING.
Charles Russell,
Hon. Henry Charles (Cadogan) viscount Chelsea.
REIGATE.
Hon. C. Somers (Somers-Cocks) viscount Eastnor.
RETFORD (EAST).
Hon. Arthur Duncombe,
Granville Harcourt Vernon.
RICHMOND.
Hon. John Charles Dundas,
Hon. William Nicholas Ridley Colborne.
RIPON.
Rt. hon. Thos. Berry Cusack Smith,
Rt. hon. Sir George Cockburn, G.C.B.

ROCHDALE.
William Sharman Crawford.
ROCHESTER.
James Douglas Stoddart Douglas,
William Henry Bodkin.
RUTLANDSHIRE.
Gilbert John Heathcote,
Hon. William Henry Dawnay.
RYE.
Herbert Barrett Curteis.
ST. ALBAN'S.
George William John Repton,
Rt. Hon. William Earl of Listowel.
ST. IVES.
William Tyringham Praed.
SALFORD.
Joseph Brotherton.
SALISBURY.
Ambrose Hussey,
John Henry Campbell.
SALOP, or SHROPSHIRE.
(*Northern Division.*)
Hon. Edward (Clive) Viscount Clive,
William Ormsby Gore.
(*Southern Division.*)
Hon. Robert Henry Clive,
Hon. Orlando George Chas. (Bridgeman) Viscount Newport.
SANDWICH.
Sir Edward Thomas Troubridge, bt.,
Hugh Hamilton Lindsay.
SCARBOROUGH.
Sir John Vanden Bempde Johnstone, bt.,
Sir Frederick William Trench, knt.
SHAFTESBURY.
Hon. Henry (Howard) Lord Howard.
SHEFFIELD.
John Parker,
Henry George Ward.
SHIELDS (SOUTH).
John Twizell Wawn.
SHOREHAM (NEW).
Sir Chas. Merrik Burrell, bt.,
Charles Goring.
SHREWSBURY.
George Tomline,
Benjamin D'Israeli.

SOMERSETSHIRE.
(*Eastern Division.*)
William Gore Langton,
William Miles.
(*Western Division.*)
Thomas Dyke Acland,
Francis Henry Dickinson.
SOUTHAMPTON.
Humphrey St. John Mildmay,
George William Hope.
SOUTHWARK.
John Humphery,
Benjamin Wood.
STAFFORD.
Hon. Swinfen Thomas Carnegie,
Edward Buller.
STAFFORDSHIRE.
(*Northern Division.*)
Jesse David Watts Russell,
Charles Bowyer Adderley.
(*Southern Division.*)
Hn. Henry John (Chetwynd Talbot) Visc. Ingestrie,
Hon. George Anson.
STAMFORD.
Hon. Charles Cecil John (Manners) Marquess of Granby,
Sir George Clerk, bt.
STOCKPORT.
Henry Marsland,
Richard Cobden.
STOKE-UPON-TRENT.
John Lewis Ricardo,
William Taylor Copeland.
STROUD.
William Henry Stanton,
George Poulett Scrope.
SUDBURY.

SUFFOLK.
(*Eastern Division.*)
Rt. hon. John Henniker Lord Henniker,
Rt. hon. Frederick Thellusson Lord Rendlesham.
(*Western Division.*)
Robert Rushbroke,
Harry Spencer Waddington.
SUNDERLAND.
David Barclay,
Rt. hon. Henry (Grey) Viscount Howick.

SURREY.
(*Eastern Division.*)
Henry Kemble,
Edmund Antrobus.
(*Western Division.*)
William Joseph Denison,
John Trotter.

SUSSEX.
(*Eastern Division.*)
George Darby,
Augustus Elliott Fuller.
(*Western Division.*)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Charles Wyndham.

SWANSEA.
John Henry Vivian.

TAMWORTH.
Rt. hon. Sir Robert Peel, bt.,
Edward Henry A'Court.

TAUNTON.
Rt. hon. Henry Labouchere,
Sir Thomas Edward Colebrooke, bt.

TAVISTOCK.
John Salusbury Trelawny,
Hon. (Edward Russell) Lord E. Russell.

TEWKESBURY.
William Dowdeswell,
John Martin.

THETFORD.
Hon. William Bingham Baring,
Sir James Flower, bt.

THIRSK.
John Bell.

TIVERTON.
John Heathcoat,
Rt. hon. Henry John Viscount Palmerston.

TOTNESS.
Hon. Edward Adolphus (Seymour) Lord Seymour,
Charles Barry Baldwin.

TOWER HAMLETS.
Sir William Clay, bt.,
Charles Richard Fox.

TRURO.
John Ennis Vivian,
Edmund Turner.

TYNEMOUTH.
Henry Mitcalfe.

WAKEFIELD.
Hon. William Sebright Lascelles.

WALLINGFORD.
William Seymour Blackstone.

WALSALL.
Robert Scott.

WAREHAM.
John Samuel Wanley Sawbridge Erle Drax.

WARRINGTON.
John Ireland Blackburn.

WARWICK.
Sir Chas. Eurwicke Douglas, knt.,
William Collins.

WARWICKSHIRE.
(*Northern Division.*)
William Stratford Dugdale,
Charles Newdigate Newdigate.
(*Southern Division.*)
Sir John Mordaunt, bt.,
Evelyn John Shirley.

WELLS.
William Goodenough Hayter,
Richard Blakemore.

WENLOCK.
Hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
Sir Ralph Lopes, bt.

WESTMINSTER.
John Temple Leader,
Hon. Henry John Rous.

WESTMORELAND.
William Thompson,
Hon. Henry Cecil Lowther.

WEYMOUTH and MELCOMBE REGIS.
Ralph Bernal,
William Dougal Christie.

WHITBY.
Aaron Chapman.

WHITEHAVEN.
Matthias Attwood.

WIGAN.
Peter Greenall,
Charles Standish.

WIGHT, (ISLE OF).
Hon. William Henry Ashe A'Court Holmes.

WILTON.
Hon. James Charles Herbert Welbore Ellis (Agar) Viscount Somerton.

WILTSHIRE.
(*Northern Division.*)
Walter Long.
(*Southern Division.*)
John Benett,
Hon. Sidney Herbert.

WINCHESTER.
James Buller East,
Bickham Escot.

WINDSOR.
John Ramsbottom,
Ralph Neville.

WOODSTOCK.
Frederic Thesiger.

WOLVERHAMPTON.
Hon. Charles Pelham Villiers,
Thomas Thornely.

WORCESTER.
Sir Thomas Wilde, knt.,
Joseph Bailey.

WORCESTERSHIRE.
(*Eastern Division.*)
John Barneby,
James Arthur Taylor.
(*Western Division.*)
Hon. Henry Beauchamp Lygon,
Frederick Winn Knight.

WYCOMBE (CHIPPING).
George Henry Dashwood,
Ralph Bernal.

YARMOUTH (GREAT).
Charles Edward Rumbold,
William Wilshere.

YORK.
John Henry Lowther,
Henry Galcacus Redhead Yorke.

YORKSHIRE.
(*East Riding.*)
Henry Broadley,
Right hon. Beaumont Lord Hotham.
(*West Riding.*)
Hon. John Stuart Wortley,
Edmund Beckett Denison.
(*North Riding.*)
Hon. Octavius Duncombe,
Edward Stillingfleet Cayley.

SCOTLAND.

ABERDEEN.
Alexander Bannerman.

ABERDEENSHIRE.
Hon. Wm. Gordon.

ARGYLESHIRE.
Duncan Mc Neil.

AYR, &c.
Hon.(PatrickJames Herbert Crichton Stuart) Lord P. J. H. C. Stuart.

AYRSHIRE.
Alexander Oswald.

BANFFSHIRE.
James Duff.

BERWICKSHIRE.
Sir Hugh Purvis Hume Campbell, bt.

BUTESHIRE.
Hon.James Stuart Wortley.

CAITHNESS-SHIRE.
George Trail.

CLACKMANNAN AND KINROS-SHIRES.
William Morrison.

DUMBARTONSHIRE.
Alexander Smollett.

DUMFRIES, &c.
William Ewart.

DUMFRIESSHIRE.
John James Hope Johnstone.

DUNDEE.
George Duncan.

DYSART &c.
Robert Ferguson.

EDINBURGH.
Rt. hon. Thomas Babington Macaulay,
William Gibson Craig.

EDINBURGHSHIRE.
William Ramsay Ramsay.

ELGIN, &c.
Sir Andrew Leith Hay, knt.

ELGINSHIRE and NAIRNE.
Charles Lennox Cumming Bruce.

FIFESHIRE.
James Erskine Wemyss.

FORFARSHIRE.
Hon. (John Frederick Gordon) Lord J. F. Gordon.

GLASGOW.
James Oswald,
JohnDennistoun.

GREENOCK.
Robert Wallace.

HADDINGTON, &c.
James Maitland Balfour.

HADDINGTONSHIRE.
Sir Thomas Buchan Hepburn, bt.

INVERKEITHING, &c.
Hon. Archibald (Primrose) Lord Dalmeny.

INVERNESS, &c.
James Morrison.

INVERNESSSHIRE.
Henry James Baillie.

KINCARDINESHIRE.
Hon. Hugh Arbuthnott.

KIRKCUDBRIGHT.
Alexander Murray.

KIRKWALL, &c.
James Loch.

LANARKSHIRE.
William Lockhart.

LEITH, &c.
Rt. hon. Andrew Rutherfurd.

LINLITHGOW, &c.
William Baird.

LINLITHGOWSHIRE.
Hon. Charles Hope.

MONTROSE, INVERBERVIE, &c.
Joseph Hume.

ORKNEY and SHETLAND SHIRES.
Frederick Dundas.

PAISLEY.
Archibald Hastie.

PEEBLESHIRE.
William Forbes Mackenzie.

PERTH.
Rt. hon. Fox Maule.

PERTHSHIRE.
Henry Home Drummond.

RENFREW, &c.
Alexander Johnston.

RENFREWSHIRE.
Patrick Maxwell Stewart.

ROSS AND CROMARTYSHIRES.
Thomas Mackenzie.

ROXBURGHSHIRE.
Hon. Francis Scott.

ST.ANDREW'S,CUPAR,&c.
Edward Ellice.

SELKIRKSHIRE.
Alexander Pringle.

STIRLINGSHIRE.
William Forbes.

SUTHERLANDSHIRE.
David Dundas.

WIGTON, &c.
Sir John M'Taggart, bt.

WIGTONSHIRE.
John Dalrymple.

IRELAND.

ANTRIM.
John Irving,
Nathaniel Alexander.

ARMAGH.
Hon. Archibald (Acheson) Viscount Acheson,
William Verner.

ARMAGH (CITY.)
John Dawson Rawdon.

ATHLONE.
John Collett.

BANDON-BRIDGE.
Hon.Frances(Bernard) Viscount Bernard.

BELFAST.
James Emerson Tennent,
David Robert Ross.

CARLOW.
Henry Bruen,
Thomas Bunbury.

CARLOW (BOROUGH.)
Brownlow Villiers Layard.

CARRICKFERGUS.
Peter Kirk.

CASHELL.
Joseph Stock.

CAVAN.
John Young,

CLARE.
William Nugent M'Namara,
Cornelius O'Brien.

CLONMEL.
Rt. hon. David Richard Pigot.

COLERAINE.
John Boyd.

CORK.
Daniell O'Connell,
Edmund Burke Roche.

CORK (CITY.)
Francis Slack Murphy,
Daniel Callaghan.

DONEGAL.
Sir Edmund Samuel Hayes, bt.,
Edward Michael Conolly.

DOWN.
Rt. hon. Frederick William Robert (Stewart) Viscount Castlereagh,
Hon. Arthur Wills Blundell Sandys Trumbull Windsor (Hill) Earl of Hillsborough.

DOWNPATRICK.
David Stewart Kerr.

DROGHEDA.
Sir William Meredyth Somerville, bt.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY.)
Edward Grogan,
William Henry Gregory.

DUBLIN (UNIVERSITY.)
Rt. hon. Frederick Shaw,
George Alex. Hamilton.

DUNDALK.
Thos. Nicholas Redington.

DUNGANNON.
Hon. Thomas (Knox) Viscount Northland.

DUNGARVAN.
Rt. hon. Richard Lalor Sheil.

ENNIS.
Hewitt Bridgeman.

ENNISKILLEN.
Hon. Arthur Henry Cole.

FERMANAGH.
Sir Arthur Brinsley Brooke, bt.,
Mervyn Archdall.

GALWAY.
John James Bodkin,
Thomas Barnewell Martin.

GALWAY (BOROUGH).
Martin Joseph Blake,
Sir Valentine Blake, bt.

KERRY.
Hon. William Browne,
Morgan John O'Connell,

KILDARE.
Richard More O'Ferrall,
Robert Archbold.

KILKENNY.
Hon. Pierse Somerset Butler,

KILKENNY (BOROUGH).
John O'Connell.

KING'S (COUNTY).
Hon. John Craven Westenra,
Sir Andrew Armstrong, bt.

KINSALE.
William Henry Watson.

LEITRIM.
Hon. William Sydney (Clements) Viscount Clements,
Samuel White.

LIMERICK.
William Smith O'Brien,
Caleb Powell.

LIMERICK (CITY).
Sir David Roche, bt.,
John O'Brien.

LISBURN.
Henry Meynell.

LONDONDERRY.
Robert Bateson,
Theobald Jones.

LONDONDERRY (CITY.)
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Anthony Lefroy.
Henry White.

LOUTH.
Rich. Montesquieu Bellew,
Hon. Thomas Vesey Dawson.

MALLOW.
Sir Chas. Denham Orlando Jephson Norreys, bt.

MAYO.
Robert Dillon Browne,
Mark Blake.

MEATH.
Matthew Elias Corbally,
Henry Grattan.

MONAGHAN.
Evelyn Philip Shirley,
Charles Powell Leslie.

NEWRY.
Hon. Francis Jack (Needham) Viscount Newry and Morne.

PORTARLINGTON.
Rt. hon. George Lionel Dawson Damer.

QUEEN'S (COUNTY).
Sir Chas. Henry Coote, bt.,
Hon. Thomas Vesey.

ROSS, (NEW).
Hon. Robert Gore.

ROSSCOMMON.
Fitzstephen French,
Denis O'Conor, (The O'Conor Don).

SLIGO.
John Ffolliott,
William Richard Ormsby Gore.

SLIGO (BOROUGH.)
John Patrick Somers.

TIPPERARY.

Hon. Robert Otway Cave.

TRALEE.
Maurice O'Connell.

TYRONE.
Right hon. Henry Thomas Lowry Corry,
Hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
William Villiers Stuart,
Hon. Robt. Shapland Carew.

WATERFORD (CITY.)
Sir Henry Winston Barron, bt.
Thomas Wyse.

WESTMEATH.
Hugh Morgan Tuite,
Benjamin James Chapman.

WEXFORD.
Villiers Francis Hatton,
James Power.

WEXFORD (BOROUGH.)
Sir Thomas Esmonde, bt.

WICKLOW.
William Acton,
Sir Ralph Howard, bt.

YOUGHALL.
Hon. Charles Compton Cavendish.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FOURTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 1 FEBRUARY, 1844, IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 1, 1844.

MINUTES.] *Took the Oaths.*—Bishop of Lichfield, and several Lords.

Sat first.—Lord Rodney, Marquess of Winchester.

BILLS. *Public.*—1ª. Select Vestries; Gambling.

MEETING OF PARLIAMENT.] The Session was this day opened by Her Majesty in Person with the following most Gracious Speech:—

"*My Lords, and Gentlemen,*

"It affords Me great Satisfaction again to meet you in Parliament, and to have the Opportunity of profiting by your Assistance and Advice.

"I entertain a confident Hope that the general Peace, so necessary for the Happiness and Prosperity of all Nations, will continue uninterrupted.

"My friendly Relations with the King of the *French*, and the good Understanding happily established between My Government and that of His Majesty, with the continued Assurances of the peaceful and amicable Dispositions of all Princes and States, confirm Me in this Expectation.

"I have directed that the Treaty which I have concluded with the Emperor of *China*, shall be laid before you; and I rejoice to think that it will in its Results prove highly advantageous to the Trade of this Country.

"Throughout the whole course of My Negotiations with the Government of *China* I have uniformly disclaimed the Wish for any exclusive Advantages.

"It has been My Desire that equal Favour should be shown to the Industry and Commercial Enterprize of all Nations.

"The Hostilities which took place during the past Year in *Scinde* have led to the Annexation of a considerable Portion of that Country to the *British* Possessions in the East.

"In all the Military Operations, and especially in the Battles of *Meeanee* and *Hydrabad*, the Constancy and Valour of the Troops, Native and European, and the Skill and Gallantry of their distinguished Commander, have been most conspicuous.

"I have directed that additional Information, explanatory of the Transactions in *Scinde*, shall be forthwith communicated to you.

"*Gentlemen of the House of Commons*,

"The Estimates for the ensuing Year will be immediately laid before you.

"They have been prepared with a strict Regard to Economy, and at the same Time with a due Consideration of those Exigencies of the Public Service which are connected with the Maintenance of our Maritime Strength, and the multiplied Demands on the Naval and Military Establishments from the various Parts of a widely extended Empire.

"*My Lords, and Gentlemen*,

"I congratulate you on the improved Condition of several important Branches of the Trade and Manufactures of the Country.

"I trust that the increased Demand for Labour has relieved, in a corresponding Degree, many Classes of My faithful Subjects from Sufferings and Privations, which at former Periods I have had occasion to deplore.

"For several successive Years the annual Produce of the Revenue fell short of the Public Expenditure.

"I confidently trust that in the present Year the Public Income will be amply sufficient to defray the Charges upon it.

"I feel assured that, in considering all Matters connected with the Financial Concerns of the Country, you will bear in mind the evil Consequences of accumulating Debt during the Time of Peace, and that you will firmly resolve to uphold that Public Credit the Maintenance of which concerns equally the permanent Interests and the Honour and Reputation of a great Country.

"In the Course of the present Year the Opportunity will occur of giving Notice to the Bank of *England* on the Subject of the Revision of its Charter.

"It may be advisable that during this Session of Parliament, and previously to the Arrival of the Period assigned for the giving of such Notice, the State of the Law with regard to the Privileges of the Bank of *England* and to other Banking Establishments should be brought under your Consideration.

"At the Close of the last Session of Parliament I declared to you my firm Determination to maintain inviolate the Legislative Union between *Great Britain* and *Ireland*.

"I expressed at the same Time my earnest Desire to co-operate with Parliament in the Adoption of all such Measures as might tend to improve the social Condition of *Ireland*, and to develope the natural Resources of that Part of the United Kingdom.

"I am resolved to act in strict Conformity with this Declaration.

"I forbear from Observation on Events in *Ireland*, in respect to which Proceedings are pending before the proper legal Tribunal.

"My Attention has been directed to the State of the Law and Practice with regard to the Occupation of Land in *Ireland*.

"I have deemed it advisable to institute extensive local Inquiries into a Subject of so much Importance, and have appointed a Commission, with ample Authority to conduct the requisite Investigation.

"I recommend to your early Consideration the Enactments at present in force in *Ireland* concerning the Registration of Voters for Members of Parliament.

"You will probably find that a Revision of the Law of Registration, taken in conjunction with other Causes at present in operation, would produce a material Diminution of the Number of County Voters, and that it may be advisable on that Account to consider the State of the Law with a view to an Extension of the County Franchise in *Ireland*.

"I commit to your deliberate Consideration the various important Questions of Public Policy which will necessarily come under your Review, with full Confidence in your Loyalty and Wisdom, and with an earnest Prayer to Almighty God to direct and favour your Efforts to promote the Welfare of all Classes of My People."

The House having resumed,

ADDRESS IN ANSWER TO THE SPEECH.] The Earl of *Eldon* rose, and said, that their Lordships were so habitually accustomed to extend their indulgence to those who rose to address them on occasions of this nature, that he almost considered it superfluous to request that which their Lordships always so kindly granted; but, though he sincerely condoled with them on the prospect of having to listen to him on that occasion for a few minutes, he must say he also sincerely congratulated himself, that he was enabled to move the Address in reply to so gratifying a Speech as that which Her Majesty had made to them.

Those who had preceded him in moving the Address to the Throne on these occasions, in former years, had held out prospects to their Lordships of what they asked their Lordships to believe would take place, and they could only speak as those do who ask a favour. It was his better fortune, though by no merit of his own, that the Address which he had to lay on their Lordships' Table contained only matter of congratulation to the Sovereign and to the country. To those who had predicted an improvement in the state of the country, it would be grateful to find those prophecies so well realised. Now, so well did he know the character of their Lordships' House, that he was very confident, that if there were any of their Lordships who had objected to the measures which had produced these results at first, and while they were going through their Lordships' House, they would not now refuse to join him in congratulating Her Majesty on results as agreeable to the nation as they must be to her Majesty; so that the House might have the gratification of giving an unanimous vote on this occasion.

There was one exception among these sources of congratulation, which he was sure all their Lordships felt as much as he did—that which, though last in the Speech, he did Her Majesty but justice in saying was deepest in her heart and uppermost in her mind—he meant the subject of Ireland, and he was sure that there was but one wish among their Lordships,—that those troubled waters, which had so long flowed in that country, should at length, if possible, be allayed. He should not, however, trespass on their Lordships' attention with respect to Ireland, for the reasons and on the ground which had been so judiciously stated by Her Majesty. Into none of the details of those trials which were now before the tribunals of that country was he about to enter; but there was one point on which he might undertake to say (as Her Majesty had already said it) that it would afford Her Majesty the greatest gratification, that every endea-

vour should be made, in order that strict justice should be done to the people of Ireland. What Her Majesty had promised in Her original declaration from the Throne, and what Her predecessor had promised was, that she would ever be ready to take every step to secure the peace and prosperity of that country, and to maintain the Legislative Union in full force. He was sensible that it was not in their Lordships' House that the proceedings now before the tribunals of that country should be alluded to; but he must say, that in carrying into effect Her intention, it was clear to him (the Earl of Eldon) that though it might appear to be long since it was made, Her Majesty had never lost sight of what she had promised on coming to the Throne, and that she had accordingly rightly desired that those things which had been doing in Ireland should be brought before a legal tribunal for its decision whether they were contrary to law or not. With those trials he had nothing to do; whether they or any other should terminate in conviction or acquittal was not material to his purpose in addressing their Lordships; but he was convinced that their Lordships would agree with him in the necessity of enabling Her Majesty to carry out Her intentions, and that if their Lordships found the present laws inadequate to keep the peace in that country (though his own reliance was strong on the adequacy of the existing laws to keep the peace and protect the liberty of the subject), they would have no hesitation in supporting Her Majesty's Government, or any noble Lord on either side of the House, by conferring on Her Majesty fresh powers for maintaining the peace and integrity of the empire. He had no hesitation in saying, that every Peer, in respect to any measure for this purpose to which his assent might be asked by the advisers of the Crown, would be ready to concur in any measure which might be deemed necessary for the happiness and prosperity of Ireland, declaring—

"——— Tuus, o regina, quod optes
Explorare labor: mihi jussa capessere fas est."

That would be their Lordships' first duty, and it must always be the first duty of their Lordships to adopt every measure which could cause an accession of peace and prosperity to that country. Her Majesty had pointed out for early consideration the enactments at present in force in Ireland concerning the Registration of Voters for Members of Parliament. The registration question was one which at one time obtained great attention, and he trusted, that when it should be brought before their Lordships, they would be disposed to give it every attention which a subject of such magnitude and importance required. Her Majesty had also called their attention to the state of the law and practice with regard to the relations of Landlord and Tenant in Ireland. Her Majesty had appointed a Commission to investigate those relations, and knowing as he did the noble Lord at the head of the Commission, and being aware as he was, that the Gentlemen associated with him would attend anxiously to their duty, he was assured that they would spare no pains that might be necessary to enable them to lay before their Lordships all the information necessary to a sound decision, and calculated to lead to practical results, in some measure for securing the peace and prosperity of Ireland. In any measure calculated to secure peace and prosperity to that country he was sure their Lordships would concur.

Her Majesty had spoken of the general peace, and Her Majesty happily had now so often had to tell their Lordships of the continuance of peace, and of the treaties which she had had to conclude with other countries, that he was happy to think that this country had on that ground every prospect of continued prosperity. Her Majesty spoke of her friendly relations with the King of the French, and the good understanding between her Government and that of his Majesty. Her Majesty's recent visit to the King of the French no doubt aided in creating that kindly feeling, and, as every one knew how much private feelings influenced public conduct, there was room for hope that his Majesty the King of the French also participated in the sentiments expressed by Her Majesty in Her Speech. As in a former year it was with the greatest gratification they beheld two of the first warriors of the age meeting to promote the peace of their respective countries, so during the late year it was with similar gratification they had witnessed the two Sovereigns of those same countries indulging in friendly intercourse with each other, and thereby promoting the welfare of their subjects. There could be nothing in that which could in any way tend to throw other nations, our allies, into the background; for every body would observe that the particular circumstances of that country had more thrown the French nation

into situations where they had had occasion to act on the same principles as we had; and it was for that reason that Her Majesty had more especially noticed them.

The subject which Her Majesty next mentioned was the Treaty that she had concluded with the Emperor of China. He thought the circumstances connected with that treaty, and the subsequent negotiations could not fail to strike every one as being most advantageous to this country; and the liberality with which Her Majesty had acted in not securing to Her subjects exclusive commercial advantages, would, he trusted, be appreciated by other nations, and produce in them a feeling that our conduct there, where we were called on to exercise no such forbearance by sentiments of gratitude towards them, was regulated by a manly, liberal, and kindly spirit.

The affairs of Scinde were of great interest to this country. He would, however, abstain from making any comment upon them further than remarking the gratification their Lordships must have had in knowing that the British soldiers had behaved in the most distinguished manner in the campaign in that country.

On the subject of the Estimates that were directed to be laid before their Lordships, relative to the expenditure of the country, he would merely say that every regard had been paid to economy consistently with keeping up the proper naval and military establishments. Their Lordships were all aware how much our financial state depended upon the condition of the country; and it would not be forgotten how necessary it had been to maintain a proper force in Ireland during the disturbances in that country. It was with the most painful feelings that he contemplated those disturbances, and a letter which he had received a few days ago from Ireland, written by a young lady, a relation of his, the daughter of a clergyman residing there, had convinced him that the country could scarcely be in a more deplorable state than it was in at present. The letter was not written with any impression that it would ever be quoted before their Lordships; but it was a simple narrative of distress which could hardly be stated in stronger words. After mentioning that the part of the country whence she wrote was in a peaceful state, and that a thought of danger scarcely ever entered their heads, she continued:—"Not so our neighbours. Some of them have fortified their houses, expecting nightly massacres." Her father said, that he constantly received blessings from the poor people as he passed along the road. They said, "God Almighty bless your reverence, and shield you from every danger;" or words to that effect; and they were people with whose faces he was unacquainted, but who seemed as if they knew that some danger was impending, and wished to warn him. Thus, in a parish where there were not disturbances at present, the clergyman could not receive the blessing of his parishioners without their exciting in him feelings of apprehension and alarm.

He would then proceed to the other subjects that were mentioned in Her Majesty's Speech. Her Majesty stated that the trade of this country in the manufacturing districts was reviving. He felt the truth of that observation, and the exceptions that there were to it were so few, that he would not notice them; but such as there were he trusted would yet be rectified by the mutual bearing which one trade had upon another, and that their Lordships would endeavour to remedy the evils that still remained. Among the many blessings of Providence, Her Majesty mentioned that the demand for labour had increased. That must give the greatest satisfaction to every one, and must, indeed, make all thankful to Providence for the blessings again bestowed on us. This brought him near a subject to which, although not alluded to in Her Majesty's Speech, he would refer in a few words. He alluded to the Corn Laws; and he hoped, trusted, and believed, that the protection which the agricultural interests now received, would long be continued to them.

For several years, the annual produce of the Revenue had fallen short of the public Expenditure. He was gratified to find, that the prospects held out to them some time since were now realized, and that the Revenue, which had increased in the last quarter and the last year, was now in a most favourable state. Amongst other sources of income which had contributed to it was the Income-tax, which had now been running on for two years. It had been successful in its operation, and as it was one which affected their Lordships more than any other tax could, the country must be convinced that they considered the interests of the people, and that they had such a regard for the welfare of the working classes as would secure their affection and gratitude. This

circumstance would enable Her Majesty to do something to prevent the Debt of this country from accumulating during the time of peace, and to make satisfactory financial arrangements, especially as the Bank Charter would expire during the present year.

Amongst other measures which passed last year, and which had tended to the happiness of the country, were those connected with Church Endowment and other questions relating to that subject. Her Majesty called on their Lordships to join with her in thanking Divine Providence for the blessings resulting to us from those measures. He was sensible that the subject was of so serious a nature, that he need only express his great gratification that Her Majesty had noticed it. A few days ago he heard that a rev. gentleman in the north of England, Dr. Hook, the vicar of Leeds, whom he was proud to call his schoolfellow, had in the most liberal manner given up an extensive part of his clerical preferment, had quitted claim to half his income, and retired to a smaller house than he had before occupied. The rev. gentleman had engaged to take every step by which so large a district as that of Leeds would be formed eventually into thirty parishes, so that every poor man might have his pastor, and every child his school. This conduct was so creditable to the rev. gentleman that he could not abstain from referring to it. With reference to the subject of National Education, he would remark, that the exertions which had been made on its behalf were most laudable, and likely to be felt by the whole community. The sum of 114,000*l.* had been raised for this object.

There was another subject which he would mention on this occasion, though it did not occur in Her Majesty's Speech. It was, however, one of so serious a nature, that he could not let it pass. Their Lordships would recollect the dreadful circumstance which occurred last year, when an officer in Her Majesty's service fell by the hand of his brother officer, who was related to him. If there was any prospect of a measure that might protect the country from a repetition of such an evil as that to which he had alluded, he felt confident that their Lordships, in their exertions on behalf of such a measure, would carry with them the feelings of the country. He would not trouble their Lordships with any further observations, but would then move that a humble Address be presented to Her Majesty, expressing to Her Majesty the humble thanks of the House for Her Majesty's most gracious Speech. The noble Lord then moved the following Address:—

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to return your Majesty our humble Thanks for Your Majesty's most gracious Speech from the Throne.

We desire to assure Your Majesty that we rejoice in the confident Hope expressed by Your Majesty that the general Peace, so necessary for the Happiness and Prosperity of all Nations, will continue uninterrupted; and that Your Majesty's friendly Relations with the King of the *French*, and the good Understanding happily established between Your Majesty's Government and that of His Majesty, with the continued Assurances of the peaceful and friendly dispositions of all Princes and States, confirm Your Majesty in this Expectation.

We humbly thank Your Majesty for directing the Treaty concluded by Your Majesty with the Emperor of *China* to be laid before us; and, with your Majesty, we rejoice to think that its Results will prove highly advantageous to the Trade of this Country.

We beg to acknowledge your Majesty's gracious Intimation, that throughout the Negotiations with the Government of *China* Your Majesty has uniformly disclaimed the Wish for any exclusive Commercial Advantages, and desired that equal Favour should be shown to the Industry and Commercial Enterprise of all Nations.

We thank Your Majesty for informing us that the Hostilities which have taken place during the past Year in *Scinde* have led to the Annexation of a considerable Portion of that Country to the *British* Possessions in the East.

We cordially participate in the Opinion expressed by Your Majesty, that the Constancy and Valour of the Troops, Native and European, and the Skill and Gallantry of their distinguished Commander, have been conspicuous in all the Military Operations, and especially in the Battles of *Meeanee* and *Hydrabad*.

We humbly thank Your Majesty for ordering additional Information, explanatory of the Transactions in *Scinde*, to be forthwith communicated to us.

In common with Your Majesty we rejoice in the improved Condition of several important Branches of the Trade and Manufactures of the country.

In accordance with your Majesty we trust that the increased Demand for Labour has relieved in a corresponding Degree, many Classes of Your Majesty's faithful Subjects from Sufferings and Privations which at former Periods Your Majesty has had occasion to deplore.

We have seen with regret that for several successive Years the annual Produce of the Revenue fell short of the Public Expenditure. We are therefore gratified to learn that Your Majesty trusts that in the present Year the Public Income will be amply sufficient to defray the Charges upon it. We humbly beg to assure your Majesty that, in considering all Matters connected with the Financial Concerns of the Country, we will bear in mind the evil Consequences of accumulating Debt during the Time of Peace, and that we are firmly resolved to uphold that Public Credit the Maintenance of which concerns equally the permanent Interest, Honour, and Reputation of a great Country.

We thank Your Majesty for informing us, that in the course of the present Year the Opportunity will occur of giving Notice to the Bank of *England* on the Subject of the Revision of its Charter; and we assure Your Majesty that we will give due Consideration to the State of the Law with regard to the Privileges of the Bank of *England* and other Banking Establishments, whenever the same shall be brought under our Consideration.

We humbly desire to thank Your Majesty for the Assurance that Your Majesty is resolved to act in strict Conformity with the Declaration made by Your Majesty at the Close of the last Session of Parliament, to maintain inviolate the Legislative Union between *Great Britain* and *Ireland*; and also for the Expression of Your Majesty's earnest Desire to co-operate with Parliament in the Adoption of all such Measures as might tend to improve the social Condition of *Ireland*, and to develope the natural Resources of that Part of the United Kingdom.

We assure Your Majesty that we fully enter into Your Majesty's Feelings in forbearing from Observation on Events in *Ireland* in respect to which Proceedings are pending before the proper legal Tribunal.

We thank Your Majesty for informing us that Your Majesty's Attention has been directed to the State of the Law and Practice in respect to the Occupation of Land in *Ireland*.

We assure your Majesty that we fully appreciate Your Majesty's Wisdom in having instituted extensive local Inquiries into a Subject of so much Importance, and in having appointed a Commission, with ample Authority to conduct the requisite Investigation.

We thank Your Majesty for recommending to our Consideration the Enactments at present in force in *Ireland* concerning the Registration of Voters for Members of Parliament; and we assure Your Majesty that we will give our earnest Attention to Your Majesty's gracious Intimation, that we may probably find that a Revision of the Law of Registration, taken in conjunction with other Causes at present in operation, would produce a material Diminution of the Number of County Voters, and that it may be desirable on that account to consider the State of the Law with a view to an Extension of the County Franchise in *Ireland*.

We humbly beg to thank Your Majesty for the Confidence expressed in the Loyalty and Wisdom of Parliament, in committing to our deliberate Consideration the various important Questions of Public Policy which will necessarily come under our Review; and we join most fervently in Your Majesty's Prayer to Almighty God to direct and favour all our Efforts for the Advancement of the general Welfare.

Lord *Hill* said, that on rising to second the Address which his noble Friend had so ably moved, it was a great satisfaction to him that it would not be necessary for him to occupy much of their Lordships' time. He was sure that it must afford the greatest gratification to their Lordships to find that Her Majesty continued to receive from Foreign Powers the strongest assurances of friendship, and that her Majesty had con-

cluded a Treaty with the Emperor of China, based on the most liberal policy towards other nations, and likely to be productive of very great advantages to our own. With regard to the affairs of Scinde, it could not but be highly pleasing to their Lordships to learn that a large addition had been made to the territories of Great Britain in that part of the world. The state of the country generally, he was happy to say, was more satisfactory than it had been for some years past; for, upon referring to Her Majesty's Speech, he found that the Revenue was now amply sufficient to meet all the exigencies of the State, and that many branches of our trade and manufactures were in an improved condition. He wished that he could say as much for agriculture; and having for a long time represented, in the other House of Parliament, a large agricultural county, he hoped that he might be permitted to say, that he trusted that the revival of manufactures would be followed by the revival of agriculture, and that we might again witness a return of prosperity to that interest which had raised this country to the proud eminence which it occupied. In Her Majesty's Speech there was an allusion to certain proceedings which had taken place in Ireland, but he could not help expressing a hope that those proceedings which were now going on would check the seditious from inciting the lower orders to outbreak and rebellion. He was sure that Her Majesty's Government would be supported by the loyalty and good sense of the nation, and he trusted, above all, that Irish proprietors would co-operate with the Government in sifting to the bottom the real state of that country, and endeavouring to ameliorate its condition; then they might hope to see such measures pass as would permanently improve its condition — measures which would strengthen the Protestant interests of the country, and maintain inviolate the integrity of the empire, which Her Majesty had declared it to be Her intention to preserve. He did not know that it could be required of him to make any further observations, and he therefore begged at once to second the Address.

On the motion being put,

The Marquis of *Normanby* said, that as the noble Earl who had moved the Address had commenced his speech by saying, that whatever position Ireland might occupy in the Address which he moved, or, however slight might be the allusion to it in her Majesty's Speech, he felt that it was the one paramount subject which must occupy their Lordships' attention; he (the Marquis of Normanby) trusted that as he concurred in that sentiment, and as he had during a considerable period, under the Administration of his noble Friend behind him, been connected with that country by official ties, and as, moreover, he had been prevented by ill health from attending that House last session, when those questions were gradually assuming the importance which they had now attained, he trusted that their Lordships would not think it unnatural if, at the first moment which presented itself, he had felt it his duty to state his opinion on certain subjects connected with that country; that sense of duty was, however, on that occasion restrained by one reason only, adverted to in the Speech and enjoined by the noble Earl though not promoted by his example—and with regard to which there was, he thought, a ground laid before their Lordships which ought to induce them to maintain at present a silence complete and absolute; and although those matters upon which that silence ought to be at present maintained were far from involving all the questions which it would be his duty to impress upon their Lordships' attention concerning that country, yet he acknowledged that it would be difficult entirely to separate them from any general observations as to the present state and condition of Ireland. The noble Earl, however, had alluded to that subject; and, indeed, it appeared to him that the noble Earl, in that, and sundry other subjects, seemed to think that his duty was not, as had been the usual custom, discharged by lightly touching on the various topics presented in the Speech, but that he ought to supply, out of his own feelings and views, those subjects which, whether intentionally or not, had certainly been altogether omitted from the Speech. The noble Earl had, for instance, stated what he thought should be done in the event of a certain result of the proceedings to which they were not now to allude, but he would not be tempted by what he could not help considering the indiscretion of the noble Earl to enter at present into any discussion upon those proceedings, or to declare how different were his views as to the course which Government ought to take when all these questions were open for discussion. He had already stated that it was that reason, and that reason only, which had induced him to forego what he should otherwise have considered the imperative duty

of impressing upon their Lordships the unhappy state of that country, to which he could say, from the bottom of his heart, that he felt bound by ties of affection as strong and enduring as any which could arise from the mere accident of birth. He would now, however, abstain from saying more than this, that he should feel it to be his duty, as soon as the present trials had terminated, to give notice of a general motion on the state of Ireland, on the earliest day that could be conveniently fixed for the purpose. The noble Lord had read to their Lordships, on the subject of the state of Ireland, a letter from a young lady, containing the most amiable apprehensions very kindly expressed—a letter which no doubt did credit to the feelings of the author—but he could readily believe the noble Earl that that letter was never intended for presentation to that House; he would not undertake, therefore, the ungracious task of questioning its inference, and, indeed, for what purpose the noble Earl had read it, or what permanent impression he could expect it to make, he (Lord Normanby) was at a loss to conceive. It was not upon such letters that Government would be able to justify increased estimates; Parliament would require other documentary evidence than that to induce them to sanction increased establishments for the purpose of coercing Ireland. The noble Earl had spoken most sincerely the sentiments which he entertained; but if the noble Duke intended to act up to the spirit of that law which he himself brought into that House, and to establish fully the rights of his Roman Catholic fellow-subjects in Ireland, he would find the noble Earl as inconvenient an ally as he had found his great-grandfather formerly. [*Laughter and* "Grandfather."] Well; great in one sense, certainly—and as he had mentioned his name he must be permitted to say that widely as he had differed from that noble person, there was no person for whom he had entertained a greater respect, or from whom he had invariably received greater kindness. There were, however, certain other topics on which the Speech did not enjoin silence; and though he did not wish to detain their Lordships many minutes, he would make a few remarks on the subject of the Registration of voters in that country. If that which had been thrown out more freely than was usual in Queen's Speeches as to the intention of extending the county franchise were fully carried out, there was no person who would give a more cordial and hearty support to that measure than himself. At the same time, of course, he must reserve his opinion as to any particular measure until he saw it, especially as he perceived, that the proposed registration itself was spoken of as having a tendency to restrict the franchise. There was still one other subject on which he felt it necessary to say a few words—and it was a subject which he approached with difficulty, because he knew it was one of very great delicacy—he meant the appointment of the Commission to enquire into the Law of Landlord and Tenant in Ireland. Their Lordships might recollect, that he was not likely to take a very light view of the necessity of some revision of the law on that subject; because he was the person who had dictated and directed to be sent to the Tipperary magistrates a letter which had since been much discussed. It was true that some of their Lordships had charged him with indiscretion on account of an opinion which he had expressed in that letter—a phrase which had since been much commented upon—this censure was thrown out erroneously, as he believed, at the time; and he had last Session the satisfaction of finding that that opinion was echoed from the highest quarter of the Government in the other House of Parliament. He owned, however, that he felt fears with regard to the present Commission. He would much rather that the Government had informed itself on those particular points on which alteration was necessary, had acted on its own responsibility, and had brought in a bill confined to those specific grievances which it was intended to remedy. The Speech told them that the Commission had full authority to inquire. He did not doubt that it had full authority, but he rather regretted that that authority had not been restricted as to the points to which the inquiry was to extend, if the commission were to be issued at all. He also much regretted the extent of time which the inquiry was to occupy, and during which the public expectation was to be excited. He lamented that all these expectations were to be kept alive so long amongst such a body as the tenant population of Ireland. Speaking from his knowledge of the state of Ireland—not latterly a personal knowledge, but a knowledge derived from communications made to him, he could assure their Lordships that it was most desirable, that if the Commission were to be continued, some declaration should be

made of the specific points to which its attention would be directed; and that some means should be adopted for checking the growth of erroneous impressions, that the people of that country might not suddenly find themselves deprived of remedies which they had been accustomed to expect, and be thus driven into a state of greater irritation than before. He trusted that this desire that something specific should be known on a subject which he believed had excited misapprehensions, would not be misconstrued. He did not accuse the Government of having any such intention; but the appointment of this Commission might have an effect convenient to them—that during the continuance of this lengthy inquiry, it would afford a reason for resisting all measures proposed by others during that period, as well as for declining to act themselves upon their own inquiries and their own responsibility. He had risen in consequence of the position which he had occupied in Ireland, and the interest which he could never fail to feel in her welfare, simply to state the grounds which induced him then not to enter fully into the case of that unhappy country. He would now, therefore, only add, that amongst the evils which might result from the present proceedings, he hoped that one good would arise—that they might turn the attention of the people of England to what was actually passing in that country, and to what were the real wants and wishes of that people. He believed, that in the history of the world there was no country about which the ignorance was so great as was the ignorance in respect to Ireland in this country, and he had never yet known any one who had visited that country and become at all acquainted with the people, who had not returned with more kindly feelings towards it,—that ignorance would be unfortunate, even if it were not made the reason for drawing distinctions between England and Ireland; but it was still more unfortunate when it was made the ground for perpetuating such distinctions between the two countries. He was speaking in the presence of many who had opposed Catholic Emancipation, and of some who, perhaps, now regretted that that step had been taken, but he was sure there was not one of their Lordships who did not feel that it was impossible to retrace that step; and now, as all the different means of governing Ireland had been tried, except that one of strict justice, to use the words of the noble Earl, though they might differ as to their application, he did hope that those who had hitherto opposed the claims of the Roman Catholics would now unite in removing all distinctions, political and religious, and in endeavouring to put the two countries on precisely the same footing. As to the other matters touched upon in the Speech, he would only say that he was never one who had despaired of the resources of the country, and though he thought that the noble Earl had rather unfortunately alluded to the extent to which the receipts from the Income-tax had reached—for it appeared that the increase in the revenue had been in exact proportion to the amount which the Income-tax had produced beyond that which it had been calculated to produce—yet he would not, on that occasion, take advantage of that topic. Neither would he be tempted to touch upon that other question which had also been introduced by the noble Earl, and which had elicited cheers from some noble Lords, but which had been carefully omitted from the Speech—he meant the question of Corn. Their Lordships knew that he differed on that subject from the noble Earl, but he was willing to leave that difference to be discussed on a future occasion. As to the occupation of Scinde, the Speech had been so judiciously and properly worded, that it left no room for difference; but he could not allow that opportunity to pass without saying with what pleasure he should concur in any Vote of Thanks for some of the most brilliant exploits which ever distinguished the British arms in that country. He should do so with the more pleasure to himself from his long personal acquaintance, not only with the commander of that gallant army—but with one under his command, Colonel Pennefather—who having been severely wounded in a critical moment in one of the first actions, was prevented from reaping all that fame, of which his previous conduct gave the promise. With reference to another part of the Speech, he must say, that he should indeed have thought the French nation much changed, if they had not been touched by the individual act of the Sovereign of this realm, especially considering who that Sovereign was, in paying a visit to the Monarch of their choice; that was a meeting likely to foster those feelings which he thought most desirable to cherish; for he yielded to no man in the strength of his conviction, that on a good understanding between this country and France must depend the growth of civilization and national liberty,

and no man would join more gladly than himself in an expression of gratification at that visit. He would not now further trouble their Lordships, but whilst the House was full he would take that opportunity of saying that at present he thought it probable that the 13th would be the day which he should fix for his motion on the state of Ireland.

Lord *Brougham* said, that he rose immediately after his noble Friend, not certainly for the purpose of differing from him, for in almost all his statements every one must agree, but to express his great satisfaction at having lived to see the day when, as the noble Earl opposite had, he believed, correctly said, for the first time in the experience of any of their lordships they had been called upon to present, in the language of the Speech and in the language of truth, to the Throne an Address containing from the beginning to the end nothing but congratulation. He certainly never remembered a time when the affairs of this country were in such a state that Parliament, in its return to the Speech from the Throne, should have no regrets to express, there being no one point of the political horizon obscured by a cloud. He observed, and with great approval, that the Speech and the Address abstained from entering into minute discussion of the state of Ireland pending the trials that were at present going on; that was a matter of necessity, and, indeed, of course; for should he be willing to enter upon the consideration of any part of that question, he would be so hampered—so confined and restrained by a sense of justice to the Crown, and above all by a sense of justice to the defendants, whom he was bound to presume innocent until a verdict of their countrymen pronounced them guilty—that it would be impossible to debate the matter with the least advantage. It was impossible for them to enter at all into the consideration of the state of Ireland without interfering with that wholesome rule which prohibited discussion on any matter involved in a pending trial. Those proceedings, however, were inevitable; they had been instituted in the discharge of the duty of the Crown to protect the constitution, and it now remained for the defendants to defend themselves; and it remained for the court and the jury, unbiassed by any murmur which might escape from any quarters, to do justice between the parties, and to deliver the verdict and the judgment in the cause. But the noble Earl opposite had made an observation which he thought somewhat deviated from that strict rule—speaking, as if one event should take place, some particular course, ought, in his opinion, to be adopted; but he (Lord Brougham) would not anticipate any result. New laws might be required, the noble Earl had said, to arm the government for the suppression of violence. He would not enter on that question prematurely, by anticipation, and hypothetically. He could not deal with it even hypothetically without saying things which he thought he ought not to say whilst men were on their trial. Parliament would do its duty, if on any occasion the laws were insufficient. If the Government were not armed with sufficient powers to enable it to discharge its first, its most sacred duty—the preservation of the peace, and the maintenance of the constitution of our realm—when he said that Parliament would do its duty and give them that power, he was only stating a self evident and identical proposition. The only question would be in such a case as to the fact of the necessity, upon which, in all such crises, there must be difference of opinion. But he would rather see the Government, armed with other power, inclined to use it—not for the purpose of displaying force against the people of Ireland—not for the purpose of coercing them—but using their power with a disposition to better their condition, to improve them in all things which required that condition to be bettered, to gain them over rather than to force them into submission, to show such a paternal feeling towards them as should inspire a beneficent government towards all the subjects of the realm, and most of all towards those portions of their people, which being in comparative ignorance and distress, had been found for a season to be the dupes of impostors. And if Government should be enabled to do this, and disposed to take this course, preferring attraction to compulsion, and viewing their subjects' conduct with a partial eye, being "to their faults a little blind," and "to their virtues very kind," and clapping "a padlock on the mind," and not on the limbs—then it was he (Lord Brougham) should have no fear whatever of the public peace being disturbed—then it was, that he should be abundantly confident that the public tranquillity and the constitution and the security of the empire, and the sacred union between all its parts, might set at nought alike the turbulence of public meetings, however

numerous, the arts of profligate, unprincipled, sordid, rapacious agitators, and the designs of priests, alternately the tools, and the tyrants, of the multitude and their leaders. Upon one portion of the Speech, his noble Friend, who had last spoken, intimated an opinion, in which, perhaps, some of their Lordships might not coincide, and from which he must differ—he meant respecting the Landlord and Tenant Commission, most judiciously, he thought, issued by her Majesty's Government, and at the head of which, by another most judicious arrangement, was placed his noble and learned Friend (Lord Devon), whose affection for and connexion with the people of that country was known to have been of very long standing. It was a most delicate and difficult investigation which had been intrusted to his care, and he was sure that against some expressions of his noble Friend who spoke last, which he did not think were weighed with his noble Friend's accustomed accuracy, he might be permitted to protest. He took this opportunity of doing so, to prevent the possibility of its being supposed that there was any foundation for those hopes, which the form of the expression, perhaps, rather than its substance, might appear calculated to excite in the less well-informed inhabitants of the sister country. Property, it had been well said in a document to which his noble Friend had referred, and which bore the signature of a dear and lamented friend of his, the late Mr. Drummond—property had its duties as well as its rights. True, but with this difference, that the duties were of imperfect obligation, while the rights were perfect, absolute and strict, and however much he might lament to see persons acting towards their tenantry, or towards their neighbours, for it came to the same thing, with a want of feeling, or towards their friends or their families, or towards the poor who craved their aid in the form of charity—however much he might lament to see that they were not kind and long-suffering towards their tenants—however much he might lament not to see them straining a point, and giving up a good deal of what was due to them, in order to avoid consolidating small farms in one case, in order to avoid dispossessing insolvent or ignorant tenants, or persons without capital, in another case—however much he might lament this, and wish it otherwise, and desire to see all landlords like his noble Friend opposite, or like the noble Marquess on the bench above him, (the Marquess of Lansdowne) and the noble Marquess near him, (the Marquess of Clanricarde) and others whom he might name, and fairly hold up as examples to others of their fellow-subjects in all parts of the kingdom—yet he could but feel exactly as he felt when he saw rich men refusing to give a dole of charity to a miserable and starving mendicant, perishing from hunger before their eyes. He was sorry for it, he did not approve it, he blamed it; but it was remediless, there was no right to compel them. The duty of benevolence, was one of imperfect obligation; and though, by compelling any person to do what he ought to do in a particular instance, you might in that instance remove the evil and do good, you would do infinitely greater mischief—you would work a thousand times greater evil—you would unhinge society, you would shake its foundations, you would destroy the corner-stone of the structure, the sacred, the absolutely inviolable right of property upon which the whole fabric rests. That must always be borne in mind in the discussions before his noble and learned Friend's committee; that never should—that never must—be lost sight of, and all the remedies applied must be consistent with the sacred rights of property, the removal of which would create far greater mischief, and far more speedy desolation, than any evils, however great and general of which any parties might now have to complain. Having cleared the ground so far, he had really little more to address to their Lordships. Had it not been for the last observation of his noble Friend, to which he had just adverted, possibly he might not have made any remark on this portion of the Speech from the Throne. But one point it was impossible for him to pass over in silence; he alluded to that most cheering and gratifying announcement at the commencement of the Speech, in which Her Majesty justly expressed her confidence in the state of our relations with Foreign Powers, and, above all, in the friendly intercourse, and, he might say, the cordial good understanding which prevailed between this Government and the French government, and, he would add, between the people of this country and the people of France. Upon this he might be permitted to make one or two observations, because they would tend to cement that precious intercourse, to improve that present good understanding, and

therefore to maintain the great and blessed work of peace. He would begin by expressing what he was sure all men who were acquainted with the late proceedings in France must admit, his boundless admiration, and offering his humble tribute of praise to the able, to the honest, to the virtuous, and, above all, to the firm unshaken conduct of the French Minister for Foreign Affairs,—a man whose name was illustrious in letters and science, as well as in politics, and who appeared fated, every year that passed over his head, to add new claims to the respect and the affection of his fellow-men, whether in France or in England, or the rest of Europe—a man whose late conduct was above all praise, for noble determination of purpose. Assailed by such a coalition, such an unnatural union of factions, such an aggregation of the discordant elements of all factions, as had produced a scene, the equal of which in turbulence had not been witnessed since the anarchy of the French Convention of 1793 and 1794, he had, notwithstanding, maintained his ground, and honestly and manfully stated his principles—he had dared his adversaries to assail him, and found that the attack resolved itself, after all the threats of his enemies, into this "*Novum crimen et ante hunc diem inauditum—Quintum Ligarium in Africâ fuisse;* and he might add, that the Tuberos on this occasion had been as fortunate as their predecessor of old, they had "*quod est accusatori maxime optandum, confitentem reum.*" Such was the praise to which M. Guizot, his honourable friend (and who would not be proud of calling him so?) was entitled. But if he were to go a step further, and to ask whether this great minister was a very great friend of this country—if he were to inquire whether we in England had any very peculiar reason to commend him, or be grateful to him, except as a friend of peace and an enemy of anarchy, determined to maintain the French constitution, and to maintain tranquillity there and in Europe—if he were called upon to say whether he were in love with England, subject to what was called Anglomania, he was afraid he could not extend his panegyric by any manner of means in that direction, or to that extent. When it was said that he was an able minister, firm of purpose, unshaken in his determination to do his duty to the French crown, which he served, and to the French people, whom he loved, and whom he led, to this he could entirely assent; but when it was added—and although we know the direct contrary to be true, yet there were those who, for factious and party purposes, for dishonest purposes, falsely made the assertion—that he was a minister devoted to the interest of this country, and who consulted our wishes, rather than his duty as a French statesman, to that he must demur. He knew not what the course of the negotiations might be in which his noble Friend opposite at the head of the Foreign Department was engaged; but he believed he might form a very safe and sound conjecture, and he did not think his noble Friend would dissent from it, that his noble Friend had never met in negotiation any minister of France or any other country whom he had more difficulty with, he being a perfectly good Frenchman, and sedulously attentive to the interests of the French crown and people. [Lord *Aberdeen*: "Hear! Hear!"] Here then his panegyric must be wound up; it must lie within these limits; and thus much justice compelled him to say. But what should be said of the other party—what should be said of the enemies of peace—what should be said of those who were seeking to stir up in the gallant, the proud, but susceptible people of France, and rather, he should say, of Paris than of France—every slumbering ember of hostility to this country which they could hope to fan into a destructive flame? That the people of France had suffered much—that they had felt, and deeply felt, and long would feel, the events of the last war towards its close, in which they had no share of blame, in which they showed no weakness or imbecility, but in which a conqueror and a tyrant led them on almost to their ruin, although under that man they wrought all but miracles, and performed everything but impossibilities—that they, though satiated with glory and military fame beyond almost all the people of ancient or of modern times, should feel susceptible on the subject of their English relations, in consequence of those unhappy passages of the last war from which they had endured so much, in which they had bled so profusely, and triumphed so gloriously, that they should feel thus susceptible was but too inevitable. It was the weakness of human nature—the griefs of the individual communicating themselves to the mass, and the mass from contagious sympathy feel more than individuals, their supposed wrongs. But what would be the duty of honest men pretending to be their leaders? What would be the duty of honest statesmen if they thought of their

country, of truth, of humanity, and not of factious purposes and party victories? It would be to guide them to better things, to calm these susceptible emotions, to rule their passions by eloquence, to soothe their troubled bosoms, to win over their minds to more healthy feelings, to cultivate the principles of peace, and divert them from their exaggerated spirit of animosity. What did they do? Nothing of all this—the very reverse of all this. They stirred up every sore place; they purposely probed and vexed the tender parts; they actively kindled every slumbering ember of antipathy and revenge; they degraded themselves; they stooped to the very mud and mire of the grossest delusion that could be practised upon national feeelings; they sank themselves still lower by falsehoods respecting the conduct of this country, and of their own government, and the other powers of Europe, whom they envied their repose. All this they did, not from hatred of peace; not from dislike of England; not from contempt of this country—not from any ardent feeling of affection towards their own; but from contempt for the people whom they were deceiving by their falsehoods, out of hatred for the Government of which they did not form a part, out of an honest and conscientious dislike, not of England, which they did not care a straw about, but of those gloomy shades of opposition in which they were pining, and out of an ardent and zealous love, not for the glory of France, but to quit that cold shade for the sunny eminence of power. These were the motives of that vile party of despicable intriguers, and still more despicable agitators in the press above all, who had lately been renewing their attempts, for the thousandth time, to disturb the relations between the two countries, and to break the peace of the world. But they did not know the people of France. He undertook to say, presumptuous it might seem, but he undertook to say, they miscalculated the temper of the people of that country. That people had far too much sense, and far too much acuteness, to be thus duped and deluded. That people knew its own glory, felt proud of its ancient renown, of its illustrious achievements in arts, sciences, and letters, in persons, and through ages unnumbered, as well as of the immortal fame of its victorious armies, whose triumphs they counted by the years of their existence as a nation. Therefore it was, that satiated with military as with civil glory, the French people would not suffer themselves to be lured towards war, in search of new triumphs, in which they were already so rich, and of which they had no more need than his noble Friend, the illustrious Duke opposite, had of new laurels, but would persevere in maintaining the tranquillity of France and the peace of Europe. He (Lord Brougham) passed so much of his time among that great, that generous, that most rational, reflecting, acute,and inquiring people, that he had thought it his bounden duty to declare here, in the presence of their Lordships, the opinion he had formed from personal intercourse with them. If he had felt it necessary to allude to any subject which would have tended, in the smallest degree, to widen any breach between the two countries, he should unquestionably have performed the duty with as much reluctance as he derived satisfaction from thus commenting on the character of the relations now subsisting between them. One only point remained in the Address they were now called upon to discuss, and that was the gratifying assurance of the Queen, that every means would continue to be taken for maintaining unshaken the credit of this empire; and a most just sentence was introduced into that part of the Speech relative to the great importance of public credit, and of faithfully, accurately, and honestly performing all the engagements with creditors whether foreign or domestic, which the state might at any time have entered into. The importance of this to the credit of the nation was great, it was greater still to its reputation; and he was delighted to think that, in return for the late communications from the other side of the Atlantic, this passage of Her Majesty's Speech would be wafted across the waves to that country, in which it seemed that, for the moment, precisely the same views were not everywhere taken. To dwell further on this would be little desirable; he would fain touch it as lightly as the Speech from the Throne had done. But having always been, as his noble Friend opposite well knew, a strenuous advocate for America—being one of those in this country who during the last thirty, nay very nearly forty years, had always been a partizan in the disputes which had occurred with the United States, and exposing himself, therefore, to much greater obloquy, and much better founded probably, than any which M. Guizot had incurred, for his hon. Friend did not belong to the class of English advocates in France, as he

(Lord Brougham) belonged to the class of American advocates in England—he might perhaps, be allowed to address a single word of kindly and amicable remonstrance to his clients, as they had been called, of the American people. He declared solemnly before their Lordships that it was far more with a view to the character and credit of free popular governments, of republican institutions, than from any consideration for the number of persons in this country who had been ruined by the obstinate refusal to pay debts which were justly due, that he addressed them on this subject. They said, in Pennsylvania, we are very rich, our pockets are loaded with money more than we know what to do with, but we are determined not to pay our debts. He now complained of such unexampled conduct more from regard for their own character than from the interest he took in the claims of the creditors in this country, for he hardly knew any of them except one, and he was well able to defend himself. But he felt ashamed and he felt anxious on account of the Americans. He would tell their Lordships a short anecdote in illustration of the view he took, and to show how anxious honest Americans felt. He had lately had occasion to visit one of the great railways in progress in the centre of France, to join that of Orleans with the Birmingham Iron Manufactory of France. He asked who the workmen were; and was told they were English and Irish. He said he hoped his countrymen behaved well. It was answered that they did not quite reciprocate this expression. Did you find the English sober? was his next question. Not at all, was the answer. He said he was sorry for that, but had heard of such a complaint before. Well, he asked, surely you got on better with the Irish? Oh, said they, they are a great deal worse; always quarrelling and fighting with each other, and drinking as well as fighting; excellent and good-natured people when they did not fight, but so fond of it that they seemed to beat one another for the mere love of the exercise. He happened to mention this to a gentleman speaking English, whom he met saying it was a very painful thing that they could never hear of an Irishman who was not a fighter, or of an Englishman who was not a drinker. The stranger said, "Well, I wish I were either an Englishman or an Irishman." He (Lord Brougham) said, "Oh, perhaps you are a Scotchman." and he (Lord Brougham) began to dread some worse charge against the Scotch. "Alas," was the reply, "I am from Philadelphia." His (Lord Brougham's) remark was, that he did not think the gentleman's countrymen could long continue the course they were now taking, whether they were governed by a regard for their interest or their honesty. On this the other declared that he had good ground to hang his head, for an American at present was ashamed to avow his country. He could hardly conceive a fact more calculated to strike deep into the feelings of the people of that province, for he believed repudiation was confined chiefly to one province—he could scarcely conceive anything more calculated to sink deep into their minds and rouse them to a sense of justice; and they would find, if they meant to rely on their credit, and looking only to their own interest, that on both sides of the Atlantic honesty was ever the best policy. He begged pardon for having detained their Lordships so long. He had thought it his duty to make the statements he had done with the view of using his humble endeavour to preserve, as much as in him lay, the peace of Europe. He had purposely avoided saying one word on the delicate and difficult question of the right of search—a question daily becoming more delicate and difficult, and the only one which was likely to cloud the friendship happily prevailing.

The Marquess of *Normanby* explained that he thought he had sufficiently drawn the distinction of which his noble and learned Friend seemed to think he had lost sight—between that portion of the relations between landlord and tenant which was dependent on the good will and free co-operation of the respective parties, and that portion which might be reached by legislation.

The Marquess of *Clanricarde* said, he should not think of detaining their Lordships long, especially after the eloquent speech they had just heard. Unfortunately he could not take so very cheerful a view of the Speech under discussion as his noble and learned friend. He agreed with him on almost every point; but if it were true that the Speech contained nothing but topics of congratulation, he maintained that was because on the most important subject at present to be considered by the Government and people of this country the Speech was entirely silent. He alluded, of course, to the state of Ireland. To any other part of the Speech he should be un-

willing to offer any opposition; opposition, indeed, he could hardly be said to offer to the Address. As to that part regarding international relations, touching on the present prospect of peace, and the good understanding happily prevailing between the French and British Governments, he should be one of the last men in the world not to participate in this congratulation. He was sure the events of late years had tended to make that good understanding more firm and lasting, because whatever had occurred must have increased the respect of the French government for the people of England, and the best foundation for a sincere and lasting alliance was mutual respect. On the question of Scinde, and the events which had taken place there, the Address was so discreetly and wisely worded as to call for no observation. From a perusal of those already before the House, he thought it would be necessary to look very closely at the additional papers which were to be presented before they could pronounce an opinion as to the policy of the war; but with respect to the successes of our arms, on that head there could be but one opinion. He was only obliged, therefore, to direct a few observations to that part of the Speech relating to Ireland. He perfectly agreed with the sentiment of the Speech that, upon those events with respect to which trials were now pending in Ireland, it would be in the highest degree improper that any direct opinion should be uttered in the Speech. It would be equally improper in him (the Marquess of Clanricarde) to make any observations on this point. The fault he found with the Speech was, that it looked to those trials as if they constituted the whole or the main part of what, in general parlance, was called the Irish question. The real question did not consist in any struggle between the Government and the Repeal Association; it was how they could best improve and develope the resources of the country, and bring it into that happy condition in which they must wish to see all her Majesty's subjects placed. Ireland had listened too long to such language to be satisfied with the vague assurances held out in the Speech and in the Address. They were told that such measures should be adopted "as might tend to improve the social condition of Ireland, and develope the natural resources of that part of the kingdom." This was sound advice, but the language in which it was couched was much too vague and uncertain, to bring much comfort to the Irish mind. Was it to be supposed that they could really ameliorate the state of the country by such phrases as this? Ireland would look to the means by which it was proposed to develope her resources and improve her social condition. From the Speech, as well as from the remarks of the noble Lords who had introduced the Address, he unfortunately felt convinced that her Majesty's Government had at this moment no measure for the good of Ireland in view. The only measure to be introduced during this Session to which they could point, was one relating to the elective franchise, a most important and grave subject, but one relating to political liberty, which formed an element in the constitutional rights of the people, but which was not a measure for developing the resources of Ireland or improving its condition. There was no prospect whatever that Government meant to bring forward any other measure. There was indeed, another measure touched upon by the Speech, which could not be considered as holding out the slightest hope that anything would be done for these objects—he meant the Commission at the head of which his noble and learned Friend was placed. He considered this measure to be one of the most mischievous and pitiable contrivances to which a perplexed ministry ever had recourse. It was his firm conviction, and nothing he had heard to-night had gone in the least to shake it, that Government had had recourse to this step, which he must call a mere clap-trap, for the purpose of delusion, in order to evade the necessity of immediately taking means to improve the condition of Ireland, and develope its resources. That was in his opinion the only ground conceivable for the commission issued by the Government, a measure which he must again designate as of a most mischievous and clap-trap character. What, let him ask their Lordships, was the commission? To inquire into the relations existing between landlord and tenant. [The Earl of *Devon*: "The commission is no such thing."] He said that it was a Commission to inquire into the County cess and other charges respectively borne by Landlord and Tenant. The popular name it went by was certainly, therefore, not far wrong. The title given it by the newspapers was a fair testimony of popular opinion. It was called in common parlance the Landlords' and Tenants' Commission, by those even who were friendly to it.

But what he maintained was, that it should be called the Fixity of Tenure Commission, for he put it to their Lordships whether they heard one word about it from her Majesty's Ministers or any of the adherents of the Government, until the phrase of "Fixity of Tenure" was circulated throughout the country? It was when the agitators in both countries began to use this phrase (for it was not, let him say, confined to Ireland), that it occurred to the Ministers to send forth this Commission. He should like to know what possible good this Commission could effect. He should like to hear any Member of her Majesty's Government state some good and valid reason for issuing it. If they had wanted to inquire into the comparatively petty though important question, of what alteration should be made in the statutes affecting the occupation and use of land, as between landlord and tenant—if that were the subject on which they really wanted information, a committee of both Houses in one week, could gain complete information on those points. But if they meant really to touch the fixity of tenure—if they wished to go into the question of the necessity of an alteration between the connection of landlord and tenant, if it really came to that it was not a commission of country gentlemen, with one learned individual at its head, that should be appointed, but the Government should seek the advice and assistance of the greatest lawyers in the country. In that case their measures would touch the whole of the real property of the country. They would require the advice, not of persons connected with quarter sessions, but of those who were acquainted with the nature of real property in England and Ireland—all the changes and all the doctrines concerning it—the rules of occupancy, coparcenary, and many other such terms, as he did not himself understand. What was the immediate effect of this Commission? It was calculated to produce, and had in fact produced in Ireland the most disastrous consequences. Far be it from him to say that what was stated in the public papers was correct—that murders were actually committed in consequence of the appointment of this Commission; but this he would say, because he knew it of his own knowledge, that the minds of men perfectly tranquil on the subject before were disturbed by this Commission. All through the country there were now self-appointed committees, who called on landlords, tenants, and persons of all descriptions to state to them whatever they chose to call a grievance and the particulars of every case into which they thought it right to inquire. They said, as it was Her Majesty's pleasure to appoint a Commission to inquire into all cases of grievance, and they occupied themselves with receiving full information for the benefit of the Commission, they considered themselves, and in fact acted as assistant commissioners to Her Majesty's Commission. This proceeding was, in the present state of Ireland, excessively dangerous. Those persons denounced any individual who refused to comply with their commands, and their Lordships knew that such a denunciation was no trifling matter in some parts of that unfortunate country. Was it wonderful that the peasantry of Ireland should misconceive the object of that Commission? Did not the mention of the subject induce an eloquent exposition of the rights of property from his noble and learned Friend (Lord Brougham); and when a person of his learning and legal education thought it right to guard himself by bestowing a very measured share of approbation on this Commission, to qualify his approval by enunciating the doctrines of property and the foundation of society, was it to be wondered that the peasant, acted upon as he had been by the wildest notions of fixity of tenure, proceeding from agitators on each side of the Channel, should have misconceived its scope and object? But this was not the only effect of the Commission. The moment it was issued, it was considered as a sweeping condemnation of the conduct of the landlords of Ireland under Her Majesty's sign manual. He was perfectly aware of all he exposed himself to by asserting that the class to which he belonged had been aspersed. Their conduct had been more than once inquired into, and he believed, as a class, they were found to have acted not one whit worse than others would have done in their situation. As to fixity of tenure and removing tenants, he ventured to say, there was a greater proportion of tenants who had remained for centuries on the estates of landlords in Ireland than in any other part of the United Kingdom. It was not true that the Irish landlords shrunk from inquiry into their conduct. But it was unfair—when they had misgoverned the country for centuries, when they had reduced its overburthened population to a state of poverty and misery; while they gave no help to the landlords in developing its unreclaimed resources—to

turn round and say a state of things so brought about was the fault of the landlords, and to issue a most mischievous Commission to enquire into the relations between them and their tenants. He maintained, then, that this was a most mischievous Commission. He had no doubt that some important evidence would be laid before that Commission; but that evidence was not needed by the members of either House of Parliament, for if they searched their library they would find the most accurate information on everything respecting the tenure between landlord and tenant. To tell him that it required the Queen's Commission to inquire into the questions whether the civil bill process should be taken away, or whether there should be a power of yearly or half-yearly ejectment, and whether distress should be allowed—to tell him this was an absurdity. But if it were said that the Commission was issued to effect a total alteration in the law and principle of real property, then he insisted they had no right to take a course, which must propagate doctrines fraught with danger. His noble Friend behind him stated that he should early bring before their Lordships the whole state of Ireland. Such being the case, he would not then enter into a consideration of the subject; but he could not understand why Her Majesty's Government had considered it necessary to be so discreet with reference to the mention of Ireland in the Speech from the Throne. He would venture to say that in those districts in Ireland which had obtained a disgraceful and melancholy notoriety for outrage, crime was more rife than it had been within the memory of man. He did not think that this Government was to blame for that; but he could not help remarking that when such a state of things was formerly canvassed credit was taken and blame imputed most unjustly. He was quite certain that this administration, as every administration, did the best—though whether they took the right method was another question—to repress outrage. He repeated it was monstrous to suppose that the difficulty of the government of Ireland would be solved by the result of the contest now going on between the Repeal Association and the Government. There were great questions respecting Ireland which the Government must introduce, or which, if they did not, must be taken up by the Imperial Parliament, or there was no chance whatever of recovering the affections of the Irish people.

Earl *Fitzwilliam:* As the noble Earl opposite seemed to question the correctness of his noble Friend's description of the Commission, perhaps he will tell them what it really was appointed to inquire into?

The Earl of *Devon* had denied that the title of the Commission was what the noble Marquess described it. He said it was not a Commission to inquire into the relations between Landlord and Tenant.

Earl *Fitzwilliam* had no doubt that the noble Earl had in his own mind a perfect recollection of the object of the Commission; but he certainly did not appear to have a perfect recollection of the allusion to it in Her Majesty's Speech. He would just beg to call the attention of the noble Earl and the Government to the general tendency of the paragraph in Her Majesty's Speech:—

"My attention has been directed to the state of the law and practice with regard to the occupation of land in Ireland. I have deemed it advisable to institute extensive local inquiries into a subject of so much importance, and have appointed a Commission, with ample authority, to conduct the requisite investigation."

What in the world did that mean, but an inquiry into the circumstances under which the tenants in Ireland occupy their land? What other meaning can be affixed to it? But he understood that a hon. Member in the other House obtained leave last Session to bring in a bill which had reference to the regulations between Landlord and Tenant; that bill went no further than a first reading, but the consequence was, the declaration on the part of a member of the Government that the attention of Ministers had been directed to the question. The result of that understanding was, as he understood it, the issuing of this Commission. If this did not connect the appointment of the Commission with a determination to inquire into the relations between Landlord and Tenant, he could not conceive what the real objects of the Commission were. The real objects of it the Government ought to state distinctly to the House on some future occasion. He had thus pointed out the discrepancy which existed between Her Majesty's Speech and the expression which had fallen from the noble Earl opposite. He would before he sat down give notice, that he should shortly move for a return of the number of land forces in Ireland from 1828 down to the present time; and also a return of the ex-

pense of certain fortifications which he understood had lately been erected there.

The Earl of *Devon* said, he was misunderstood. He merely wished to deny that the style and title of the Commission was such as the noble Marquess described it.

The Marquess of *Clanricarde* had merely given the title of Landlord and Tenant Commission as that by which it was popularly designated. Its real title, as he argued, should have been the Fixity of Tenure Commission—the step being a concession to agitation by those who affected a disregard of it.

Lord *Campbell* said, he did not rise to disturb the unanimity which prevailed respecting the Queen's Speech. He was happy that the Speech had been so framed as to prevent the necessity of such a step. He begged leave, however, to protest against some observations which had been made by his noble Friend who moved the Address, and by his noble and learned Friend who sat behind him. They had asserted that their Lordships could approach Her Majesty in terms of approbation alone. He thought that rather an unhandsome return for the resolution to abstain—in the propriety of which he entirely concurred—from touching on any topics which could show the country was in a state of great alarm and peril. As to Ireland, he thought that while the state trials were pending, it was quite proper to abstain from any topic that could have the slightest connection with them. When they were terminated he should have much to say as to the manner in which they were instituted—he should have much to say as to the manner in which they had been conducted. But, for the present, he would entirely abstain from such topics, lest any mention of them should, in the slightest degree, be supposed to have an influence on the verdict to be pronounced by the jury. But the object of his now addressing the House was not in respect to anything the Speech contained, but in respect to what was omitted from it. It had been usual when any measures were in contemplation for the amendment of the law, to make some direct allusion to them in the Speech from the Throne. That course had been hitherto adopted during the administration of those who now ruled the affairs of this country. In the first Speech they had advised Her Majesty to make, after the formation of the Administration, Her Majesty intimated that measures would be submitted for the amendment of the law of Bankruptcy, and for the amendment of the jurisdiction of the Ecclesiastical Courts. Accordingly a measure was brought in by the noble Lord near him, which had for its object the improvement of the law of Bankruptcy. He believed it to be a total failure, but that he would not now dwell upon. With regard to the measure for the improvement of the jurisdiction of the Ecclesiastical Courts, that bill fell through the Session of 1842, and being re-introduced in 1843, the Speech delivered by order of Her Majesty acquainted Parliament that measures connected with the improvement of the law would be submitted for their consideration. He did not mean now to review the melancholy fate of that and other measures during the last Session. On that occasion there was much promise and little performance. But in 1844 we had not even a promise. On the subject of amendment of the law the deepest silence prevailed. During the last Session two bills had been introduced respecting the Ecclesiastical and County Courts. They were not carried; they came to an untimely end. If brought into that House at an early period of the Session, he had little doubt that they would have been maturely considered; and being properly framed, would have become the law of the land, to the great improvement of our institutions; that course was not pursued, and consequently the measures were lost. If in the present Session it were in the contemplation of Government to bring forward measures with respect to Ecclesiastical Jurisdiction and Local Courts, Her Majesty's Speech might have intimated that such measures would be submitted to Parliament. Again, he believed their Lordships were aware, that gross and extravagant compensations had been given to officers removed from the equity courts. He thought the suitors in those courts might reasonably look forward to some relief in that respect; but he now perceived no prospect whatever of it. But, however, it was possible, that the Government meant to reverse their conduct of last year, and to give performance without promise, as they last year certainly held out promises without performance. He had some reason to hope, that from an intimation given by a noble Earl opposite, who, no doubt after communication with Her Majesty's Ministers, expressed a hope that some measure

would be brought forward to put down the mischievous practice of duelling, that such would be the case, and he concluded, that after the termination of the state trials some such measure would be introduced and he should presume this might be a Government measure, and intended for the pacification of Ireland. No doubt the Irish were a fighting people, and as my noble and learned Friend had assured us they fought abroad as well as at home, it might be for their good, therefore, that duelling should be abolished; and the Government bill could be very appropriately introduced by their Irish Attorney-general.

The *Lord Chancellor* begged to say, that it was his intention to introduce, in a few days, a measure directed to one of the objects mentioned by his noble and learned Friend. He meant the revival of the measure as to Ecclesiastical Jurisdiction. It was also his intention to renew the bill brought in last Session for the recovery of small debts. With respect to the last subject mentioned—the compensation awarded to officers who lost their places in the equity courts—he could only state, that the compensation was strictly in accordance with the act of Parliament, which was imperative in its provisions. If his noble and learned Friend conceived, that any impropriety had taken place, he trusted the noble Lord would introduce some motion on the subject, which would bring the nature of this compensation and its effect under the notice of their Lordships. There was no intention on the part of Government to bring in any measure on the subject of duelling. He did not think it necessary to notice the facetious observation of his noble and learned Friend; but to the grave matters he had given an answer.

Lord *Brougham*: His noble and learned Friend complained last year and other years of the performance falling so short of the promises of the Government. Now he did not pretend to be a prophet, or to be in the secret; but he should be very much disappointed, if the performance as to amendments of the law this year did not exceed the promises.

Lord *Campbell*: Why, there was no promise.

Lord *Brougham* begged pardon. There was a charge at the end of the Speech which included law reform.

The *Lord Chancellor* said, the measures he had mentioned, were the only measures of law reform which the Government had it in contemplation to propose.

Lord *Cottenham* said, that a bill of his on the subject of Local Courts lay on the Table of the House for a considerable period last Session. He had been prevented from pressing it, from an understanding that some such measure was under the consideration of Government. A noble Friend of his also laid a bill on the Table of the House which was not pressed, he presumed, from a similar expectation. Unfortunately, he had been so patient, that his bill remained on the Table until the close of the Session. Now, unless his noble and learned Friend could assure him it was in the contemplation of Government to bring in a bill on that subject, he should bring forward his own measure at once, and move the second reading very speedily.

The *Lord Chancellor* said, he understood his noble and learned Friend did not press his measure because there was a bill pending on the subject of small debts in the House of Commons, and also because a noble and learned Friend of his had introduced here a bill on the same subject. He had stated that it was his intention to recommend some alterations and improvements in which his noble and learned Friend concurred, and which he thought would meet all the objects contemplated by his measure. Of course, if his noble and learned Friend chose, it was open to him to bring forward his bill again.

Lord *Brougham:* Nothing could be more satisfactory than the announcement of his noble and learned Friend. He must protest against an observation of his noble and learned Friend (Lord Campbell) by way of parenthesis—that the bankruptcy bill was a complete failure. Never was a bill more completely successful.

Lord *Campbell:* Never did a measure more thoroughly fail.

Lord *Brougham*: Well, make a motion on the subject, and he would show the contrary.

The Address was then agreed to without opposition.

STANDING ORDERS.] The Duke of *Wellington* moved the Standing Orders, and the appointment of Lord Shaftesbury as Chairman. The noble Duke expressed in strong terms his sense of the ability and courtesy with which the noble Earl conducted the business of the House.

The *Lord Chancellor*, in putting the question, bore testimony to the long experience, activity and knowledge of his noble Friend.

Lord *Shaftesbury* thanked their Lordships for the honour conferred upon him, and observed, that he ought to know something of their business, as he had been thirty years their Lordships' Chairman.

House adjourned.

HOUSE OF COMMONS,

Thursday, February 1, 1844.

Minutes.] New Writs.—(during Recess) For Kilkenny Co., *v.* George Bryan, Esq., dec.; Tipperary Co., *v.* Valentine Maher, Esq., dec.; Kendal, *v.* George William Wood, Esq., dec.; Salisbury, *v.* Wadham Wyndham, Esq., dec.; London, *v.* Sir Matthew Wood, Bart. dec.

Now Ordered.—For North Wiltshire, *v.* Sir Francis Burdett, Bart., dec.; Devizes, *v.* Thomas Henry Sutton Sotheron, Esq., acc. Chiltern Hundreds.

New Members Sworn.—Henry Warburton, Esq., Kendal; James Pattison, Esq., London; Duncan McNeil, Esq., Argyleshire; Pierce Somerset Butler, Esq., Kilkenny Co.; John Henry Campbell, Esq., Salisbury.

Bills. *Public.*—1°. Outlawries.

The House met and after repairing to the House of Peers to hear the Royal Speech, at the opening of Parliament, adjourned during pleasure. At four o'clock the House resumed.

Lord Saltoun, Major-General Schoedde, and Sir W. Parker.] The *Speaker* informed the House, that he had received letters from Lord Saltoun, Major-general Schoedde, and Sir W. Parker, expressing their grateful acknowledgements for the vote of thanks passed to them by the House for their services in China, which were read as follows:—

"*Head-quarters, Hongkong, June* 8, 1843.

Sir,—I have the honour to state, that I have the gratification of receiving your letter of the 28th of February last, enclosing certain resolutions from the honourable the House of Commons, expressive of their thanks to the naval and military forces in China for their conduct in the late successful operations, which I beg to state I have had the pleasure of making known to the force under my command.

"I further beg to acquaint you that the two letters, addressed, under cover from the War-office, to Major-general George Burrell, C.B., and Major-general Sir Robert Bartley, K.C.B., respectively, have been returned to England by the mail of this day, those officers having proceeded home.

"I have the honour to be, Sir,

"Your most obedient humble Servant,

"SALTOUN, Major-general.

Commanding the Land Forces in China.

"The right hon. the Speaker of the House of Commons."

"*Chusan, July* 11, 1843.

"Sir,—I have the honour to acknowledge the receipt of your letter of the 28th of February, 1843, conveying to me, and the officers and men serving under me, the very gratifying and flattering vote of the House of Commons, and which I had the pleasure to inform them of. And I beg to offer you, Mr. Speaker, my sincere thanks, for the kind manner in which you communicated to me the high and distinguished (and by me quite unexpected) honour conferred on me by the House of Commons.

"I have the honour to be, Sir,

"Your most obedient humble servant,

"J. H. SCHOEDDE, Major-general.

"To the Right hon. Charles Shaw Lefevre, Speaker of the House of Commons."

Her Majesty's ship Cornwallis, at Hongkong, June 15, 1843.

"Sir—I have received with the proudest feelings of gratification the distinguished honour of the thanks of the House of Commons transmitted in your letter of the 28th of February last, and have lost no time in communicating, in the terms of the resolutions, to the officers and men of the navy and Royal Marines, including those of the East India Company under my command, the sense entertained by the House of the various services which have been successfully achieved by the combined forces on the coasts and inland waters of China."

"To a British subject the approbation of the representatives of his countrymen must ever be one of his brightest rewards; and I very respectfully request you will have the goodness to express to the House, that by myself and the force I have had the honour to command, their encomiums are deeply and gratefully appreciated.

"Allow me further to convey to you, Sir, my acknowledgments for the courtesy with which they have been imparted, and to have the honour of remaining,

"Your most obedient servant,

"W. PARKER, Vice-Admiral.

"To the Right hon. Charles Shaw Lefevre, Speaker of the House of Commons."

Letters to be entered on the journals.

The Address in Answer to the Queen's Speech.] The *Speaker* informed the House, that the Commons had been summoned to the House of Peers, where Her Majesty had been graciously pleased to deliver a Speech from the Throne, which he would now read. The right hon. Gentleman having read the Speech,

Lord *Clive* rose to move that a humble Address be presented to Her Majesty in answer to her most gracious Speech. In the performance of the arduous task he had taken

on himself he felt, that although the difficulty of it was in some degree diminished by the circumstance, that the subjects on which he had to touch were for the most part of a favourable nature, yet, that in the discharge of that duty, he must crave the patient indulgence of the House. In the first place, he was glad that Her Majesty had been enabled to refer in such satisfactory terms to the relations of this country with foreign powers and to the continued assurance of their desire for the permanent tranquillity of Europe. The maintenance of peace throughout Europe was of such paramount importance, and so necessary to the prosperity of this country, that unless we could count with certainty upon its permanence all our efforts to promote the welfare of the kingdom, must be uncertain in their results. There were other and most important objects referred to in Her Majesty's Speech, and on some of these there might and would be differences of opinion; but on one point they were all agreed, and that was the hope held out of having the assurance, unvarying in its recurrence in each succeeding year, that the prospect of peace remained unclouded. That hope was the more cheering when to it was added a similar expectation with respect to France, and a prospect held out that those two powerful nations would go hand in hand in the peaceful career of national improvement. The situation of those two countries was in many respects so similar —they were separated by so short a distance, that there was scarcely anything which could injuriously affect the one without injury in the same degree to the other. But he could conceive no assurance of the friendly feeling existing between the two nations more strong than that conveyed by Her Majesty's recent visit to France, by the cordial manner in which she was received by the Sovereign and by the people of that country, and by the equally cordial greetings which awaited her on her return amidst her own subjects—and though the future historian, who might have to notice that visit as one of the happy incidents of Her Majesty's happy reign, would not have to record so gorgeous an array as on the last occasion when a chivalrous Sovereign of this country visited France,—though he might not have to describe any thing like the splendours of the Field of the Cloth of Gold, neither would he have to notice the ambitious jealousies and political rivalries which all those splendours could but ill conceal. No; the visit of Queen Victoria to France—her reception there, and the crowds who welcomed her on her return, would be handed down to posterity as so many assurances of international peace and tranquillity between the two countries. In looking to the other topics of Her Majesty's Speech, the next which presented itself referred to a different part of the globe, the relation in which we stood with respect to China. It was most satisfactory to find that the peace which we had concluded with that country remained unbroken. The negotiations into which we had entered at the close of the war had been brought to a successful termination under the able management of Sir Henry Pottinger; and there was every reason to hope that our intercourse with that vast empire would increase daily. It was most satisfactory to find that the warfare which had been carried on at such an immense expenditure should have given place to negotiations, in which the skill and ability of our plenipotentiary had been for his country most usefully displayed. It was a matter of no ordinary difficulty to obtain such results from a power which for ages had held itself aloof from all foreign states. To England was reserved the honour of breaking down this barrier—by the removal of which commercial intercourse was now opened with China, not for this country alone, but for the whole of Europe and America. These results showed the consummate skill of Sir H. Pottinger, and the clear insight he had acquired as to the character of those with whom he had to deal. If the House turned to our Indian Empire it would find that there the results of our operations had led, as Her Majesty had informed them, to the annexation of part of Scinde to our possessions in the East. Her Majesty had also stated, that she had directed additional information as to the affairs of Scinde to be laid before them, which would, no doubt, be forthwith presented, he would not more fully enter into this subject, but he could not refrain from expressing his gratification at the successful gallantry of Sir C. Napier, and the army under his command. It was indeed impossible to refer to the subject without being struck with the invincible energy of our troops; nor could he refrain from expressing his admiration of the valour and discipline of our officers and men, Indian and European; it was indeed most gratifying to him, to see the zeal and energy with which the Sepoy fought by the side of his European fellow-soldier, and to feel that our native troops

had maintained that reputation, which, from the earliest periods of our connection with India, their gallantry had earned. Turning next to our domestic affairs, that part of Her Majesty's Speech which referred to them could not excite other than most gratifying feelings. He alluded to the improvement which had taken place in our trade; owing to which much of the misery and distress that had unfortunately prevailed last year had been removed. It was also satisfactory to learn that this improvement in the condition of the people had been followed by a corresponding improvement in the revenue. And he rejoiced at being able to state that the improvement which had already taken place gave them the certainty, that the Income of the year would more than cover the Expenditure, and that a surplus would be left at the end of the financial year which might be applied consistently with the wise regulations of the legislature to the reduction of the national debt. Thus the improvement which Her Majesty at the commencement of the last Session had said she expected had been realized. But, passing by those financial topics to which Her Majesty had directed their attention, and which, owing to their own importance, would of themselves engage the attention of the House, he was sure that they would all cordially concur in thanking Her Majesty for the affectionate regard she had expressed for the welfare of her Irish subjects, and for the anxious desire which Her Majesty had expressed to concur with Parliament in the adoption of all measures which might tend to improve the social condition of Ireland, and develope the natural resources of that part of the United Kingdom. Under ordinary circumstances, and on ordinary occasions, in moving an Address to the Throne, he should feel most anxious to avoid every topic which could tend to excite differences of opinion; but on the present occasion he most particularly wished to guard himself against any reference to those subjects which were now under the consideration of the legal tribunals of the country. He would, therefore, content himself with calling on the House to express its thanks to Her Majesty for having specially directed their attention to the important subject of the Registration in Ireland. The appointment of the Commission for inquiry into the law and practice of the occupation of Land in Ireland had been productive of much valuable information on the subject, and there was good ground for believing that it would eventually be attended with the most beneficial results. Persons of all parties and of all shades of political opinions had come forward to give evidence on the subject of the inquiry, so, that in all matters of a local nature, the commissioners would be able to obtain the fullest information. Having now touched on the principal topics to which Her Majesty had directed their attention, he would not detain the House longer than while he expressed his thanks for the kind indulgence with which they had heard him. In conclusion, he would express a fervent hope, that in addressing themselves to the subjects which Her Majesty had laid before them, the result of their counsels might tend to promote the prosperity of all Her Majesty's subjects. The noble lord concluded by moving the following address:—

That an humble Address be presented to Her Majesty, to acknowledge Her Majesty's most gracious Speech from the Throne, and to thank Her Majesty for Her condescension in assuring us that it affords Her Majesty great satisfaction again to meet us in Parliament, and to have the opportunity of profiting by our assistance and advice;

To assure Her Majesty, that we learn with great satisfaction, that Her Majesty entertains a confident hope that the general peace, so necessary for the happiness and prosperity of all nations, will continue uninterrupted:

That we rejoice to be informed, that Her Majesty's friendly relations with the King of the French, and the good understanding happily established between Her Majesty's Government and that of His Majesty, with the continued assurances of the peaceful and amicable dispositions of all Princes and States, confirm Her Majesty in this expectation:

To thank Her Majesty, for having directed to be laid before us the Treaty which Her Majesty has concluded with the Emperor of China, and which Her Majesty rejoices to think will, in its results, prove highly advantageous to the trade of this Country:

To express our thanks to Her Majesty, for acquainting us that, throughout the whole course of Her Majesty's negotiations with the Government of China, Her Majesty has uniformly disclaimed the wish for any exclusive advantages; and that it has been Her Majesty's desire, that equal favour should be

shown to the industry and commercial enterprise of all nations:

Humbly to thank Her Majesty for informing us, that the hostilities which took place during the past year in Scinde, have led to the annexation of a considerable portion of that country to the British Possessions in the East:

That we are gratified to learn, that, in all the military operations, and especially in the battles of Meeanee and Hydrabad, the constancy and valour of the troops, Native and European, and the skill and gallantry of their distinguished Commander have been most conspicuous:

To thank Her Majesty for having given directions, that additional information, explanatory of the transactions in Scinde, shall be forthwith communicated to us:

To convey our thanks to Her Majesty, for having directed the Estimates for the ensuing year to be immediately laid before us; and for Her Majesty's assurance, that they have been prepared with a strict regard to economy, and at the same time with a due consideration of those exigencies of the Public Service which are connected with the maintenance of our maritime strength, and the multiplied demands on the Naval and Military Establishments from the various parts of a widely extended Empire:

That we participate in the gratification expressed by Her Majesty, in the improved condition of several important branches of the trade and manufactures of the Country; and that with Her Majesty we trust, that the increased demand for labour has relieved in a corresponding degree many classes of Her Majesty's faithful subjects from sufferings and privations, which, at former periods, Her Majesty has had occasion to deplore.

That we rejoice to learn, though for several successive years the annual produce of the Revenue fell short of the Public Expenditure, Her Majesty confidently trusts, that in the present year the Public Income will be amply sufficient to defray the charges upon it;

Humbly to assure Her Majesty, that in considering all matters connected with the financial concerns of the Country we will bear in mind the evil consequences of accumulating debt during the time of peace; and that we are firmly resolved to uphold that public credit, the maintenance of which concerns equally the permanent interests and the honour and reputation of a great Country:

To thank Her Majesty for having called our attention to the circumstances that in the course of the present year the opportunity will occur of giving notice to the Bank of England on the subject of the Revision of its Charter; and that it may be advisable that during this Session of Parliament, and previously to the arrival of the period assigned for the giving of such Notice, the state of the Law with regard to the Privileges of the Bank of England and other Banking Establishments should be brought under our consideration:

Humbly to thank Her Majesty for the assurance that Her Majesty is resolved to act in strict conformity with the declaration made by Her Majesty at the close of the last Session of Parliament, of Her firm determination to maintain inviolate the Legislative Union between Great Britain and Ireland, and also of Her Majesty's earnest desire to co-operate with Parliament in the adoption of all such measures as might tend to improve the social condition of Ireland, and to develope the natural resources of that part of the United Kingdom:

That we recognize the just consideration of Her Majesty, in forbearing from observation on events in Ireland, in respect to which proceedings are pending before the proper legal tribunal:

That we are gratified to learn that Her Majesty's attention has been directed to the state of the Law and practice with regard to the occupation of land in Ireland; and that Her Majesty has deemed it advisable to institute extensive local enquiries into a subject of so much importance, and has appointed a Commission with ample authority to conduct the requisite investigation:

To thank Her Majesty for recommending that we should take into our early consideration the enactments at present in force in Ireland concerning the Registration of Voters for Members of Parliament: and for Her Majesty's gracious intimation that we may

probably find that a Revision of the Law of Registration, taken in conjunction with other causes at present in operation, would produce a material diminution of the number of County Voters; and that it may be advisable on that account to consider the state of the Law with a view to an extension of the County Franchise in Ireland;

Humbly to thank Her Majesty for the assurance of Her Majesty's confidence in the loyalty and wisdom of Parliament, in committing to our deliberate consideration the various important questions of public policy which will necessarily come under our review; and that we unite with Her Majesty in an earnest prayer to Almighty God to direct and favour our efforts to promote the welfare of all classes of Her Majesty's people.

Mr. *Cardwell* said, in rising to second the Address which the noble Lord had moved, he might be permitted, like the noble Lord, to throw himself upon the never failing indulgence of the House, before he ventured upon the topics which the occasion naturally suggested, and to which he should be presumptuous indeed if he imagined that any language of his was equal. He would not trespass upon the time of the House by following the noble Lord into all the subjects which he had so ably handled: subjects of historical association, and of universal interest; and confessed that he rested with peculiar satisfaction on that part of the noble Lord's observations, in which he had invited the House of Commons to congratulate the Crown upon renewed communications of commercial enterprise, and reviving energies of manufacturing industry; upon the prosperity of our own people, stimulated and encouraged by peace with foreign nations; upon comfort generally diffused among the masses of our population, the permanence of whose sources was guaranteed by an Exchequer wisely replenished, and adequate to the national responsibilities. His connection with the industrious communities in the north of England led him to form his own conclusions chiefly upon evidence derived from them; and he was persuaded the House of Commons would recognise their importance upon their own account, and would acknowledge that intimately connected by infinite ramifications of common interest with every art of the social economy, and peculiarly sensitive as they were to the first action and reaction of commercial impulse and reverse, they presented an index by which the House might test the prospects for evil or for good of the country at large. He need not revert to those tales of sorrow, which in past Sessions their representatives had had to tell. They were familiar to the recollection of the House. But that heart must be insensible in which no emotions of lively gratitude had been kindled by the transition we had since experienced from stagnation and distress, in some parts from despair, if Englishmen had ever known despair, to renewed demand, and re-awakened confidence. We could not look at the returns presented by the Customs' department, and hesitate to acknowledge that large quantities of foreign produce had found their way into our home consumption, or that a corresponding amount of British industry had been employed at remunerating prices to furnish an equivalent. But, if in the presence of so many hon. Members more familiar than himself with the details of commerce, he might prosecute this subject further; we should find that in all, or nearly all the great branches of British manufacture, symptoms of returning health presented themselves, the same in character, different in degree, but fortunately often found in the highest degree, when from the importance of the article as a staple manufacture of the kingdom, their presence was the most satisfactory, and the most encouraging. In regard to cotton we should find that the stimulus which commenced with the low prices of last year, had steadily maintained itself; that, notwithstanding some increase in the price of the raw material, and some he believed groundless alarm with regard to the prospects of the future crop, and a partial improvement in the rate of wages, the courage of the producer had been sustained, demand was brisk; stocks were low, and all the indications of a healthy trade presented themselves. He had no intention of trespassing on the time of the House by reading many of the papers which he held in his hand; for he felt that this was not an occasion for presenting statements, which from their nature challenged dispute; and, that unless he could establish a case, resting upon broad grounds, commending itself to the experience of hon. Members on both sides, who were most conversant with the subject, he had no case at all to substantiate. But, if the House would allow him, he was de-

sirous to read to them the particulars of two statements; not different from the rest in character, but selected, because in former discussions in this House, the localities to which they referred, had obtained an unenviable name from the depth of misfortune into which they had been plunged. The first was a letter from the clerks of the Union at Burnley, who said,—

"We beg to send you printed extracts from the Quarterly Abstracts of our Union since 1840, from which you will see the great improvement in the situation of the lower orders, particularly since 1841."

Now, in comparing Michaelmas quarter last with Michaelmas 1842, he found the number of applicants was reduced from 12,595 to 5,051, and the amount of expenditure, from 4,230*l.* to 2,800*l.* And these were the figures to which they were referring when they wrote.

"Besides this, upwards of 10,000*l.* received from the Manufacturers' Relief Fund. There is a great and very evident improvement in the cotton trade here, and consequently in other businesses dependent upon it. We have three new mills upon the point of being erected, one of which is to be the largest in the neighbourhood. Several lately unoccupied mills are now let, and preparing for running; and a corn-mill and a woollen-mill are also being fitted up for the cotton manufacture. The labours of our board meetings, which usually detained the guardians to a late hour at night are now concluded in two or three hours, and the poor in the neighbourhood of Colne and Marsden, where the greatest pressure lay, are now in full employment (in weaving) at moderate and fair wages; indeed, everything wears a very different and much improved aspect."

He was sure it would be gratifying to the House to know that this improvement had extended even to that desolate and forlorn class of persons, the handloom weavers. With regard to them he feared it would be transient, for the course of improvement, beneficial in its general consequences, was ruthless in its destruction of individual interests; but at least it was consolatory to know that even their distressed condition was for the time relieved. The other paper he proposed to read referred to Stockport, and he found that—

"The Poor-rates which in 1842, were 9*s.* in the pound, have been reduced to 4*s.* That in the workhouse there are not half the number of inmates there were a year ago, and not one able-bodied pauper in the house. At the present time, there are upwards of 3,000 more workpeople employed than at the commencement of 1842, with the prospect of employment for at least 1,000 more in the course of three or four months. There is a large printing establishment in the town, which works for the home market, and which has now upwards of 100 tables at work, whereas in 1842, they had not more than 40 in use. A new and extensive bleaching work is in progress, and will be in full operation in a short time. Several of the large cotton-mills which have been closed for years, are now at work, and two others have just been taken, and will be at work in a few months. Several of the cotton-mills have been considerably enlarged. The empty cottage-houses—

The House had not forgotten the pictures that were drawn of the deserted condition of the town of Stockport.

The empty cottage-houses are fast filling, and shops which have been untenanted for years are re-opening. The improved condition of the people is apparent in their more decent appearance as to clothing; it is also plainly visible in their looks — they are evidently better fed.

The writer then went on to give the number of empty houses, and a statement of the deposits in the savings banks. He was aware of the objections which were made, when the savings-banks were appealed to on this subject, but he thought that as one sign out of many, supported by independent collateral evidence, and particularly when the principal increase was in the number of small depositors of savings from the weekly wages of artisans, they would be admitted not to be without their value. He held in his hand the last report of the savings bank for Manchester and Salford, in which the committee have the pleasure to announce that the transactions of the past year have far exceeded in extent those of any former year." And then they went on to give the figures; and notwithstanding the improvement of 1843 over 1842, he found from a return which the actuary had kindly prepared for him, that the increase, particularly of small depositors of the first three weeks of January now last part, as compared with the first three weeks of 1843, had been exceedingly remarkable. Then, with regard to the trade in wool, that ancient staple of England, where from the greater price of the raw material, returning animation would be expected to show itself more tardily, the same symptoms would be found. There had been a considerable increase in the price of the raw material which he trusted had found its way into the pocket of the British farmer, and a rise of wages which doubtless had increased the comforts of the operative, but he hoped that these were only the natural *remoræ* of

advancing trade, and served to keep it within the limits of a steady and safe demand. With respect to flax a spirited enterprise had been undertaken for promoting a rapid communication between the north of Ireland and the linen districts of Lancashire and Yorkshire; and he was sure the House would cordially unite in the hope that by the developement of her great agricultural resources, and the application to her manufactures of British skill and capital, Ireland might yet be destined to experience, and to appreciate the full benefit of her connection with England. There was one great branch of British manufacture, on which he feared he should be thought too bold, if he ventured to speak so sanguinely. He feared, that hon. Members connected with the iron districts would scarcely admit, that prosperity had returned to them. The excessive excitement of past years, had produced, no doubt, a corresponding and protracted depression; and yet even here, he thought, he might fairly report, that unequivocal symptoms of returning health presented themselves, He did not deny that the patient was diseased, sorely diseased, but he thought there were signs that the crisis of his disease was past. Furnaces that had been blown out had been rekindled, fresh hands employed, some addition had been made to the paltry pittance that was doled out under the name of wages, and he learnt from an intelligent and impartial report of his friend Mr. Austin, that the able-bodied labourer had ceased to be a burthen upon the poor-rates in the unions of South Staffordshire. Could they hesitate to form favourable anticipations for the iron market from the numerous plans for new railways, which in conformity with the standing orders, had been already deposited and which besides the inestimable advantages they would confer upon the country at large, must necessarily stimulate the trade in iron? Was it not a cause of congratulation to reflect, that we, who at the commencement of the present century were dependent for so large a part of our rough iron upon the Baltic, were now engaged in supplying the materials for that way which was to unite the two distant capitals of Russia? Again, the necessary consequences of the improvement in regard to cotton and wool had been felt by the machine manufacturers in a brisk demand for new and improved machinery. How much of their activity might be ascribed to the measure of last Session he was not informed: but he was given to understand that measure had excited much more jealousy among the makers of machinery on the Continent than among the users of machinery in England. These circumstances seemed to him to afford indications that could not be mistaken that this important branch of our manufacture would take its share in the general improvement. Again, could there be any more decisive evidence of returning activity than the rapid, gradual, and progressive increase recently exhibited in the traffic returns not of one, but of all the leading railways? or any greater proof of general abundance and of general confidence than the rise which had notoriously taken place in the stock of these great undertakings, a rise measured, he believed, in the last three months not by thousands, nor by hundreds of thousands, but by millions of money? And now, should he trespass upon the time of the House by pursuing this subject into the minor details of commerce, or might he not fairly assume, nay, should he not rather be fairly required to assume, that the same streams of returning health beat in the smaller pulses which they had seen to circulate in these great arteries of our inward life? And if this were so, it would be natural to enquire by what countries of the world this great stimulus had been mainly given to the trade of England? He would not read to the House the glowing anticipations contained in the circulars which he held in his hand,—circulars usually addressed at this season of the year by experienced men to their practical customers, composed for no political object, dressed up to serve no special purpose, guarded even from the suspicion of a tendency to raise the market by the jealousy such men naturally felt for their own reputation. When he turned to these circulars, he seemed to be glancing at the index to a manual of geography, so numerous were the names of the countries to which by way of illustration they referred. But first and foremost they mentioned China, which within the past year had taken a great, a vast quantity, of English manufactures. And here, he trusted he might be permitted to express the cordial satisfaction with which he had heard that part of Her Majesty's most gracious Speech, in which she communicated to Parliament the open and liberal spirit she had preserved in her commercial negotiations with China. The patent of England's precedence had been sealed in history. It was written in every line of those intelligent and thoughtful

countenances that thronged her marts of commerce, and now in this sentence it was spoken in pregnant language, and with the power of example: and we should no longer speak in vain when we told the world that the bounty of commerce was twice blessed, —that we feared no rival, we shunned no competition,—and that we knew we should then be most prosperous when the most unlimited opportunities should be afforded for universal intercourse. The noble Lord had spoken so fully on the subject of France, that he trusted he should be excused if he passed it over in a few words, not insensible to the inestimable advantages of that good understanding to which the noble Lord had referred, and sincerely hoping that the commerce between the two countries might hereafter be raised to an amount in some degree corresponding to their natural opportunities, their mutual wants and products. But, while these practical writers, addressing their practical customers, spoke in glowing terms of China as an inexhaustible field for British enterprise, and of the Indus as opening a broad channel to the expansive streams of commerce, he confessed he had a peculiar satisfaction in observing that to distinguish the present as a safe and substantial and not a shadowy or speculative stimulus, they referred their readers not mainly to China, nor the Indus, to America, or France, but to that home market which, while it was the surest evidence of the general welfare, was the only safeguard to the manufacturer for the permanence of his trade. And, if such were the condition of these important districts, with respect to the revival of trade, other considerations presented themselves, equally affording matter of congratulation to the House. He was conscious that in matters of human government, there would, from the constitution of things, be differences of political opinion; and he was anxious no syllable should escape his lips which might seem to invite dispute, or to savour of any party predilection on his side, upon an occasion when the House of Commons would be desirous to present its unanimous expressions of loyalty to the Sovereign of an united people. But he believed, that universal accordance both within and without those walls would bear him out in stating, what the utmost assurance of personal knowledge, and the most genuine sentiments of personal gratitude called upon him to express—he meant an acknowledgment, that when under the pressure of distress, the bonds by which the different classes of society in the north of England were bound together, in mutual co-operation, were, for a time, relaxed, Her Majesty's Government, by temperate severity, could vindicate the majesty of the law, and by well-timed clemency, could conciliate the returning affections of the people. He believed, that in the interval which had since elapsed, justice, tempered with mercy, had produced its natural fruits, guarding the operative against the counsels of sedition, and encouraging in the minds of the wealthier classes the sentiments of generous sympathy which the distresses brought to light, by those enquiries, were so well calculated to excite. Again, he was sure the House would be glad to learn from the report which he held in his hand, that a measure which in the last Session, received its unanimous concurrence, and from which great results were expected, had shown an early vitality, greater than its projectors probably anticipated, and had already produced the most gratifying fruit. This was not the time, or the place, to speak of individual acts of munificence, or of instances of self-devotion on the part of persons enjoying large endowments and possessing extensive patronage. But it must be satisfactory to the House to know that applications for about 150 new districts, were now before the Ecclesiastical Commissioners, and thus by means which had excited no opposition in any quarter, half a million of persons for whose spiritual destitution no adequate provision had been made, were brought within reach of the ministrations of our common faith. And, if upon another, and a kindred subject, their deliberations appeared to be less fortunate, and they seemed to arrive at no practical result, he believed that the earnest anxiety evinced within these walls to grapple with the subject of education, and the candour manifested on both sides in dealing with its difficulties, had produced a corresponding energy, he trusted also a corresponding candour, out of doors—that vigorous exertions had been made in different quarters —that if unhappily we could not make an united, at least we had made a simultaneous effort against the common enemies, ignorance and vice, and he trusted it might result in a general system of education, possessing that qualification without which he was persuaded, in a mixed government like ours, no system of education could work well—he meant, the general concurrence of moderate and reflecting men. He

hoped he had fairly described the state of the industrious communities to which he had referred. And if such were their condition, physically and socially considered, should he be indulged for a few moments, if he endeavoured shortly to express what he believed to be their general feelings with regard to the career that was now opening before them? First, they were grateful to the Giver of all good, for returning prosperity, rendered doubly welcome by the bitter experience of distress. But with regard to the future, he was sure it was the firm conviction of their minds, that the prosperity to which England had already attained, was but the type and outline of that greatness whose full measure she was destined hereafter to accomplish. Confident in their own resources—resolute in their own determinations—with sanguine accuracy they had enumerated the armies and the fleets of commerce — and were bounded only by the limits of the habitable globe, in their visions of peaceful conquest. And were these the illusions of enthusiasm, or the sober realities of practical and earnest men? When they remembered that a century had scarcely elapsed since the empire of the East was opened to them by the genius of the noble Lord's progenitor,—that in the lifetime of their fathers that great manufacture was involved in the struggles of infancy, by whose wonderful development the products of the British loom had superseded the native article in the markets of Calicut,—where they reflected upon the accelerated motion given by the progress of improvement to the wheels of time, could they hesitate to acknowledge that they were upon the eve of some high destiny, which the boldest might not have ventured to predict in all its particulars,—but which the most advanced in years might expect to see, to a certain extent accomplished? And if these were not idle visions, by what spirit on the part of the people, by what policy on the part of the Government, were they to be realised? By that union of energy and prudence,—by that combination of expansive force with self-observant caution, which they believed to be the fortunate peculiarity of the national character. By the charter of their British birthright, they required that they should not be debarred from the utmost advantages of the most unlimited improvement. By that same charter they demanded that they should not be exposed to hazard by crude and precipitate legislation. They desired to give ear to the voice of experience, and to be guarded by the recollection of past reverses against the momentary intoxications of success. But above all, they were anxious to carry along with them in their ambitious enterprise the sympathetic interest of every other class of the community. They knew that precisely as their machinery was designed to be powerful in its capabilities, and energetic in its action,—in that same proportion must the building be secure in which it was placed, the foundation be solid on which it rested. Temporary jealousies would occasionally arise, and might result in quickened emulation, and increased improvement; but no one knew better than the prudent trader that from the time, if unhappily it ever should arrive, when settled distrust took place of mutual confidence, and co-operation between the different interests into which this country was divided, from that inauspicious hour must date the decline of her commercial greatness, and the decay of her domestic strength. Commerce had its hereditary associations,—its titles by descent,—its ever growing connection with the soil by the substantial ties of property. Such men would not sacrifice their well grounded prospects of perpetuity for the lure of a temporary gain. They were not such unthrifty husbandmen, they would not be found grinding their seed-corn. Adulation had likened the British merchant to the princes of Tyre: but he rejected the unsubstantial comparison, for Tyre was a deserted rock, a place for the nets of fishermen. He had learnt from history that purely commercial communities had risen to transient greatness, and had sunk into irremediable ruin. Born to a brighter hope, under the shelter of the British Constitution, in permanent connection with the domestic interests of England, he looked for a perpetual name; and confidently believed that by steadiness and sobriety in the vindication of principle, by facility and flexibility in the application of detail, the present signs of promise might be matured, in the wisdom of Parliament to the full fruits of great and generally diffused prosperity. He (Mr. Cardwell) could but return his sincere thanks to the House for the kindness with which they had heard him. He felt that by the length at which he had trespassed on their patience on subjects not unnaturally nearest to his own feelings, he had precluded himself from entering on many topics on which fortu-

nately the noble Lord had preceded him. He would only therefore express his general concurrence with the noble Lord, and the sincere satisfaction with which he seconded the Address in the terms in which the noble Lord had moved it.

The *Speaker* having read the Address,

Mr. *Hume* inquired for form's sake whether any amendment could be moved on the second reading of the Address. If not, he hoped he should not be precluded from now making a few observations.

The *Speaker* said, that it would be competent to the hon. Member to move any amendment when the question on each paragraph of the Address was put. The right hon. Gentleman having completed the reading of the Address,

Mr. *Hume* said, he had seldom heard the speeches of the Mover and Seconder of any Address less objectionable to his mind than that which had just been delivered in its support, nor did he object to what had been proposed for the adoption of the House. He could not, however, entirely agree with the hon. and learned Gentleman who had just sat down, in the glowing terms in which he had described the renewal of trade, and the removal of the distress of the country. He hoped the hon. and learned Gentleman would prove a true prophet; but as far as he (Mr. Hume) had been able to learn, he could not reconcile the statement of the hon. and learned Gentleman with the facts that had reached him. He, however, acknowledged that the House met on the present occasion under more favourable auspices as regarded the state of employment of the population, than it did on the opening of the last Session of Parliament. Undoubtedly, there now existed some grounds for satisfaction, on the change although he could not look to it as a prospect of continued improvement to all classes of the community. The present mode of proceeding with respect to the Address in answer to the Speech from the Throne on the opening of Parliament was extremely objectionable. It was impossible to proceed to its consideration with that due deliberation that was essential to give importance to the Address. The present Speech consisted of twenty-three distinct and separate paragraphs, every one of which contained matter of considerable importance, and yet hon. Members were called upon, without even having a copy in their hands, to vote an Address in answer to that which dealt with so many various and complicated questions. He had formerly protested and had taken the sense of the House—against proceeding to consider the Address in answer to the Speech from the Throne on the same night that it was proposed. Twenty-two years ago a stand had been taken against this mode of proceeding, and an attempt had been made to adopt another course, which would give the character and importance that ought to attach to an Address from that House. It could not be supposed that any Address drawn up by Her Majesty's Government in answer to their own Speech, and put into the hands of two hon. Gentlemen who knew as little about it a few hours ago as all the other Members did, if adopted thus hastily by the House, could be regarded otherwise than as a mere farce. Twenty-two years ago an hon. Baronet lately deceased, in conjunction with a right hon. Baronet then associated with him in the representation of Westminster, submitted to the House the very reasonable request that twenty-four hours should be permitted for the consideration of the Speech from the Throne, before an Address in answer should be voted, but their attempt failed: and now the Address is brought under consideration in two hours after the Speech from the Throne had been delivered. Was this course right? He (Mr. Hume) had no hesitation in saying that there were many parts of the Speech which he approved of. There might be other parts of it calculated to give offence to individuals, and many subjects were omitted from it which he thought of great importance to the welfare of the country. These omissions it would become his duty especially to notice, rather than to complain of any particular of which it was composed. In the first place there was no man who valued the maintenance of peace more than he did, knowing its importance to every country and especially to a commercial and manufacturing nation like Great Britain, and therefore, the paragraph on that subject contained in Her Majesty's Speech was most agreeable to him. Indeed, he was prepared to go further with respect to the friendly connection between this country and France than did the Speech from the Throne. The preservation of amity between the two countries was calculated to produce the most beneficial results to

themselves and to the world; and therefore he was prepared to rejoice specially in the re-establishment of amicable relations with that nation, and he might observe that the course taken by Her Majesty, in paying a visit to that country, must have tended more speedily to bring about that better understanding between England and France. He looked upon the financial difficulties of this country to have arisen from the departure by the preceding Government from the sound policy acted upon from 1830 to 1837, that the peace of the world and the prosperity of England would be promoted by the intimate union of England and France. It was his humble opinion that while these two countries were united in policy, not only the peace of the world would be secured, but that the union would bring with it all the advantages to the country which flowed from peace—the reduction of expenditure—diminution of taxation, and that this country had not as yet enjoyed those advantages was to be attributed to the mistaken and erroneous policy, of separating two countries calculated by their situation, and by their varied produce, to be the best friends to each other. He was therefore greatly pleased with that part of the speech which had reference to the wise policy pursued by Her Majesty's Government towards France—he hoped the same policy would be carried forward, and that it would lead to permanent peace, and encreased commercial intercourse with all their economical and beneficial results. The next subject in succession to which the hon. and learned Seconder of the Address alluded, was to the advantages this country was likely to derive; nay, had already derived from a commercial connexion with China. Now, he (Mr. Hume) begged the right hon. Baronet at the head of the Government, and the hon. Members who sat behind him to make themselves acquainted with, and then to ponder over, the tariff the Chinese had passed for foreign trade; and he would then ask the right hon. Baronet if he did not think that the Government of this country ought to feel ashamed that it had allowed the Chinese to outstrip them in enlightened principles of commercial policy. By that tariff, there was not a single article required for the food of the Chinese that was not admitted free from all duty and impost. The whole of the export duties in China were under only sixty-one heads, and 5 per cent on unenumerated articles. The whole of the imports into China were under forty-eight heads, and 5 per cent on unenumerated articles. Rice, paddy, and grain of all kinds duty free. Let this country act upon that principle, and great would be the benefits that would ensue. He (Mr. Hume) hoped the example of China would operate as a lesson to England. The Chinese had hitherto styled Englishmen as barbarians, and truly so, if their import duties, and prohibitory laws are to be considered, for if regard was had to the impediments England by her tariff had thrown in the way of her commercial dealings, we really are barbarians in principle and in practice. The great principle of admitting food duty free should be acted upon. There was another point bearing on the subject of our treaty with China, which he (Mr. Hume) thought most important to the character of this country, which, by other nations, had heretofore been looked upon as a monopolising country, anxious to grasp at every advantage connected with commerce in every part of the world, to the exclusion of others. Now, by the supplemental treaty concluded with China by Her Majesty's plenipotentiary, equal participation in the commerce with China was given to all other countries. This was highly creditable to the individual and to the Government who had promoted such a treaty; and it afforded the best possible answer to much of the obloquy cast by the French and Americans, and others, upon England for its former narrow commercial policy. So far then he (Mr. Hume) approved of the Speech from the Throne; but on the next paragraph, which states the annexation of a portion of Scinde to the British empire, he had prepared an amendment, which was very short, but very important. It was to the effect,

"That whilst this House agreed with Her Majesty in Her Majesty's commendations bestowed upon the officers and men employed in the late military operations in Scinde, it desired to withhold the expression of any opinion respecting the political negotiations, with the dethronement and imprisonment of the Ameers of Scinde, until it was in possession of more precise and satisfactory information."

He (Mr. Hume) learned, that before he entered the House a notice had been given to the same purport by a noble Lord, and

that the subject would come on for consideration at a very early period; under such circumstances he would not move the amendment as intended, but content himself at present with protesting against the whole political proceedings carried on in that unfortunate country, and he must state his opinion, that by those proceedings Great Britain had disgraced herself in the eyes of the whole world, and he regarded the whole of the transactions with extreme sorrow. The hon. and learned Gentleman who had seconded the Address had spoken in glowing terms of the peaceful progress of commerce; he (Mr. Hume) wished, that with regard to India, he (Mr. Hume) could say that the facts justified the hon. and learned Gentleman. He could not agree with the noble Mover of the Address, whose ancestor the first Lord Clive laid the foundation of British power in India, in speaking of the peaceful progress of commerce in that country. He could tell him that it was by conquest and in too many cases by unjust interference that commerce had there been forced. He (Mr. Hume) trusted the right hon. Baronet opposite (Sir R. Peel) would lay before the House the instructions under which Lords Auckland and Ellenborough had acted, and all the papers connected with the important affairs of Scinde, that the House right be able fully to understand them; if the right hon. Baronet had in the last year brought them forward he (Mr. Hume) thought much of the evils which had lately taken place there would have been spared that country. Therefore, whilst he (Mr. Hume) joined in commending the gallantry of the officers and men employed, he denied the policy in aid of which their services had been required. He now arrived at another important paragraph of the Speech, and it would be curious if he were to read what had been submitted to the Parliament with respect to the estimates. The same paragraph he had heard for the last twenty-five years—he had extracted the paragraph from the Speeches in all that period, and it was identically the same in language as had been used in time of war and of peace, and it was really laughable; he mentioned this to show that the expenditure of the country was taken as a matter of course, and the House, therefore, ought not to put credit in the statements as to economy, or attention to the interests of the country, put forward by any Ministry. It was for the House itself to institute the necessary inquiry, and to exercise that control which was its special duty in these matters. True, that the predecessors of the present Government from 1835, had most unnecessarily increased the naval and military forces of the country, and had thereby brought about those financial difficulties which had justly expelled them from power. On the subject of economy and retrenchment he should feel it his duty to move an amendment before he concluded. He knew that many hon. Members did not like a reduction of expenditure—those who hung about the Treasury did not like it as they and their dependents profited by the public money when once out of the Treasury, in 100 ways; but he (Mr. Hume) considered it one of the most important duties of Parliament—nay, it was the duty, it was best capable properly to perform—to examine carefully into the establishments required for the service of the country and into the charge or the estimates, and to ascertain the amount absolutely necessary for the public service. With that object in view—a strict control—the House ought to adopt the plan pursued in France and Belgium—a plan which was in strict accordance with the duty of the Commons of England which held or ought to hold the purse strings of the country. In the countries to which he referred the proposed establishments and the estimated expenses of the year were always laid before a committee; and the head of the department, to which each of the several estimates belonged, was called before that committee, to be examined as to every detail and item, and to furnish such explanations as the necessity of the case might seem to require. After this examination by committees, the estimates were laid before the whole House for its consideration and sanction. Now, it appeared to him that the Parliament of this country greatly erred in not being governed by a similar rule. So much for the expenditure for establishments as it affected the financial condition of the country. He should next apply himself to that part of Her Majesty's Speech from the Throne which related to the state of distress in our manufacturing interests and the causes thereof. It afforded him pleasure to agree, that the state of our manufactures afforded some grounds for congratulation, at least so far as cotton, wool, and hardware were con-

cerned. In those branches it could not be denied that there was some improvement, but he very much feared that that improvement was only partial and temporary. There were no substantial grounds for expecting that it would continue. The sort of prosperity which we now enjoyed was to be imputed to speculations in consequence of the opening of the intercourse with China, and to that improvement which had taken place in the commerce with America. No man who looked at the state of destitution and distress which had so long prevailed in this country, and reflected on the causes of that distress, could say, that there were any grounds for expecting, that we could retain even the degree of prosperity which we did at present enjoy, unless we removed the causes that had produced the destitution. Of the various evils under which we laboured, want of employment was the most prominent; we lacked the means of employing our manufacturing industry, and this want was principally to be imputed to the effects of our restrictive commercial policy; it was this that shut us out from the means of employment. We refused to receive in exchange for the produce of our industry, the food other nations would willingly give us, and yet, with this great evil so strikingly before the Ministers of the Crown, they did not once advert to the subject in the Speech from the Throne. The Corn-laws were not mentioned in the Address. When the right hon. Baronet, in 1842, endeavoured to persuade the House to go along with him in the policy of removing all prohibitions, and of reducing high duties of imports, he was either right or wrong. The right hon. Baronet was, in his (Mr. Hume's) opinion, perfectly right in his enunciation of free-trade principles, and in the progress he made by his tariff; nothing could be more sound or philosophical than the doctrines which the right hon. Baronet put forward on the subject of free-trade, and in support of the alterations he proposed to Parliament, and, therefore, he (Mr. Hume) could not help asking the right hon. Gentleman why he had stopped short with his scheme? And he would at the same time ask, was there any Gentleman then present who was not seriously opposed to a repeal of the Corn-laws at some time or other? But what he (Mr. Hume) complained of was this, that the right hon. Baronet admitted, that the time might come when the trade of this country in corn must be perfectly free. But he carefully guarded himself against being supposed to give any decided opinion as to the probable period of its approach. He (Mr. Hume) submitted, that the head of the Government acted most unwisely in allowing the country to remain in doubt as to what his intentions were on a so very important subject. What was the result? The landlords had lately published Anti-League meetings throughout many parts of the country, in favour of the existing Corn-laws, whilst the Anti-Corn-Law League was agitating the country for the entire repeal. They had heard much of these meetings said to be of tenant farmers. He had the curiosity to look at some of the names of those who were present at a meeting held in Steyning of those who were called tenant farmers, and at this meeting there were the Earl of Egremont, the Earl of Winchelsea, the Duke of Richmond, Lord March, besides several other personages, equally wealthy and dignified. There were long lists of nobles and wealthy squires who attended at that meeting, and, he might say, all the meetings for a similar object were similarly composed, although stated to be meetings of tenant farmers. Never at any time, was there such a contest raised in this country. But these meetings, farcical in one sense, were, in another point of view, quite discreditable. He had hoped better things from the well known courtesy of the landed gentlemen and noblemen so assembled; he did not expect that they would have fallen into the error of abusing the Members of the Anti-Corn-law League in so disgraceful a manner; and it had been said that these unworthy proceedings were occasioned by irritation caused by the state of doubt and uncertainty in which the head of the Government left the country as to what his views and intentions really were with respect to the Corn-laws and Tariff for the future. The tenant farmers were wholly at a loss to know what to do; they could not have a farm or lay out the proper amount for the improvement of the lands under the doubts they had, but this at least ought to be made known to the country, that the right hon. Baronet was precluded from proposing a fixed duty; he must go for a total repeal or keep the sliding scale; and, looking at the position in which he had placed the country and himself, it was

greatly to be regretted that no reference had been made in Her Majesty's Speech to the subject of the Corn-laws. Looking to the statements and conduct of the right hon. Baronet on former occasions, he would say there was now every reason to presume that he entertained no intention of bringing forward any further measure of relief with respect to the Corn and provision laws. The right hon. Baronet upon a former occasion made it a matter of complaint against the noble Lord, the Member for London, that he had proposed a change in the Corn-laws without advising the Queen to announce such an intention in Her Majesty's Speech at the opening of the Session; and told the noble Lord that the introduction of such an important measure must have been an afterthought. It was upon this ground that he (Mr. Hume) would now state to the House and the country his fears that the right hon. Baronet had no intention of proposing any change in the Corn-laws in this Session. He (Mr. Hume) was sorry to think that the hon. Baronet had been prevented by his supporters from carrying out his plan of 1842, as to free-trade, and the language at the Anti-League meetings confirmed that opinion. The Duke of Richmond told the supporters of the sliding-scale that they ought to make such a demonstration as would cause the Minister to speak out plainly. His Grace did not recommend that they should use the language of menace; but he advised them to tell the Ministers of the Crown that the evil of which they complained was one of no ordinary magnitude, and that he (Sir R. Peel) ought to speak out and remove the uncertainty that existed as to his intentions. His complaint against the Speech from the Throne was, that it left the landed interest and the country in a state of uncertainty. The supporters of the right hon. Baronet told the country that the Corn-laws were of the very highest importance, and if so, was not the head of the Government the more to blame for leaving the country in the dark respecting them? Why not speak out, and tell the country what they had to expect? The speakers of the Anti-Corn-law League had been blamed for using strong language against the monopolists, but at a tenant farmers meeting at Northampton, Sir C. Knightly held language which he might offend the House by repeating. The hon. Member then went on to say that the hon. Baronet, the Member for that county had accused the Anti-Corn-law League of being enemies to settled institutions—that the body comprehended Jacobins, Radicals, and the refuse of mankind. The hon. Baronet described the League as the most pestiferous body that had ever existed since the days of the Jacobin Club. It was said, that the object of the League was to overthrow the Government. Though he (Mr. Hume) did not belong to the League, yet that was an imputation which he repelled with the utmost indignation. What! overturn the constitution and produce anarchy, was that likely to promote manufactures, or improve the condition of the working classes? He was a Radical, and would give the lie to such a charge. The coalition between the League and the Radicals had been likened to the alliance between Jonathan Wild and Jack Shepherd; but the imputation was in all respects most unjust. They were likewise accused of circulating blasphemous and indecent publications. There never was anything more unjust. The men who took an active part in the business of the Corn-law League were as careful of the public morals as any class of men in the whole community; and the attempt to fix upon them such an accusation was highly discreditable to those who were the landed aristocracy, although they called themselves tenant farmers; and still more discreditable was it for any set of men to tell a large body of their fellow subjects that the contest was begun, and that there must be a civil war if the head of the Government did not speak out and support the farmers in their monopoly of food. He was not ignorant of the difficulties with which Her Majesty's Government had to contend, but he could not forget that the right hon. Baronet had once told the noble Lord, the Member for London, that if he thought any measure necessary for the interests of the public, or involving any important principle of justice to any class of the people, that he ought to propose it to Parliament—even though hopeless of its being carried—and that if he were not able to carry such measures in Parliament, as he conscientiously believed to be just and expedient, he ought to resign. Now, the right hon. Baronet ought to act in conformity with his own recommendations to the noble Lord, the Member for London. Every

one then present knew, that the right hon. Baronet had in 1842, declared himself a convert to free-trade principles, and that his right hon. Friend near him had declared that free-trade principles were the principles of common sense, and yet nothing towards the accomplishment of free-trade principles had been done during the last Session of Parliament. The Government told the people that things would mend, but they did nothing to advance that consummation, although the sufferings of the country were extreme. They left things to themselves, and there was certainly some improvement, but the Ministers deserved no credit for that change, for things were so bad that they could scarcely be worse; and, as nothing in this world was immutable, it did so happen that matters mended a little. It was stated, that in one district of the country, where there had been 12,000 paupers, there now were only 4,000; surely even 4,000 were too many to be idle, and without employment in any district, and this was a proof, amongst others, that the Corn-laws were as injurious to the landed interest as they were to the manufacturing or the commercial interests. The distress and destitution which prevailed, not only in different parts of the country, but in the metropolis, was in the highest degree alarming. The daily accounts of destitution and death from starvation were truly distressing, and associations, novel in their constitution, had been formed for giving relief, and Bishops, Cabinet Ministers and Peers, were at the head of these associations. We had poor unions for every parish, and numberless charitable institutions, and yet the distress was so pressing, that those extraordinary means were resorted to. It was in the power of Parliament to relieve that suffering. He (Mr. Hume) maintained, that the root of the evil was the restrictions which impeded the freedom of trade; it, therefore, became the imperative duty of Parliament to take into their immediate consideration, the whole of the laws which affected the importation of corn and other food, with the view of promoting commerce, and giving employment to the people; for there could be no effectual and permanent relief without employment; there could not be employment without increase of commerce, nor could there be that increase of commerce without giving to foreign merchants the facilities requisite to enable them to pay for the commodities which we vended to them. It was said, that an abolition of the Corn-laws would lower wages. If he thought that the importation of food would lower wages he should not propose it, but he expected from the free admission of corn, an increase of employment to pay for that food, and the equalization of prices all over the world. He would ask how could wages be lower than they were, when a shirt was made for 1½*d.*, when a curry-comb was sold for 1*d.*, and a knife and fork for 1½*d.*? where on earth was labour so inadequately paid as in England, where 1½*d.* was the payment for twelve hours' work? In every parish pauperism was increasing, and so were poor-rates. He gave the right hon. Baronet at the head of the Home Department full credit for the manner in which he had supported the poor-law on the only sound principle upon which a poor-law could be worked, that of giving relief to the destitute and refusing it to able-bodied idlers. But he would tell the right hon. Baronet that the poor-rates, which had been reduced from 7,000,000*l.* or 8,000,000*l.* down to 4,500,000*l.*, were now rising rapidly in amount, and had risen again to upwards of 6,000,000*l.* On this account it was, that the tenant farmers complained. It was the want of the free introduction of food and employment which caused this. The manufacturing districts had discharged their labourers, who were thus drawn back to their parishes and had increased the poor-rates, of which the farmer complained. If the effect of the introduction of foreign corn would be to lower wages, no one would be more opposed to such a measure than himself; but his opinion was this, that the importation of corn and beef, and of every kind of food which the people of this country wanted, would give increased employment to pay for the imports, and those who had half a meal, would get a full one; and that, instead of prices falling in England, they would be equalized all over Europe. It was on this ground that he thought the Government was doing great injury to the country by the course which it was adopting of keeping up the prohibitory laws; and he called on the House to pursue a different course. If the right hon. Baronet (Sir R. Peel) would only agree to postpone the Address to give the people time to know what the Speech contained, he was perfectly satisfied that as quickly as the post could

bring the information so quickly would the House have complaints poured out; although he was sorry to say the people were getting rather sick of presenting petitions to the House, yet they might be disposed to state to the House the truth, which had been withheld, and the right hon. Baronet would be surprised at their statements. For this reason he would advocate the delay. The monopoly of corn was one evil the removal of which would alleviate the existing distress. But there was another cause of distress that it was in the power of the House to alleviate. The House seemed to think, that the greatest merit existed in extracting money from the pockets of the people. The right hon. Baronet seemed to think it right to waste the money of the people in keeping up a great war establishment; but the expence of this was only adding to the misery of the people. A great cause of the distress was the imposition of the Income-tax. It was estimated that this tax would raise 3,700,000*l.*; but he regretted to see that the income derived from this tax amounted to 5,500,000*l.* Every pound of this tax affected the comforts of the people. That act, instead of (as was anticipated) falling only on the wealthy, had fallen very heavily indeed on many of the poorest classes. It would have been better for the hon. Baronet to have made no exception to incomes under 150*l.* for, in fact, a large portion of poor people had had to pay the tax without being able to get the return to which they were entitled, besides having much trouble and annoyance about it. These were the two principal evils of which he complained—the want of free trade and heavy taxation—and to these two points he wished to call the attention of the House. The distress in the country was admitted, and yet, the right hon. Baronet had not told them he would carry out his free trade principles, or that he would institute any inquiry or appoint a finance committee to inquire where reduction could be made in the public expenditure. Probably they would now hear from him if he did intend anything of the kind. His intention by his amendment was to request Her Majesty to co-operate with her Ministers in pursuing such measures. Of what use was it now to keep up a war establishment when we had not an enemy existing, and when we were at peace with all the world? He was anxious that the House should not be led away by any trickery in being told that now the revenue of the country was amply sufficient, and that the public faith ought to be kept up. If they wanted an example of the bad effects of not keeping good faith with the public creditor, let them look across the Atlantic, to the loss of credit and of property to the Americans by the repudiation of the public credit in a few of the States—the discredit had attached to all the States—and he sincerely hoped, that efforts would be made to rescue that Republic from the discredit attached to the whole, by not supporting the public faith. He was always one of those who was for supporting the public credit. Whilst he urged economy, he would not stop a farthing from the public credit. He believed, that for every pound they withheld from the public credit, they would lose millions. He would state to the House a great example of this from what had taken place within the last two months. The government of Virginia had had some difficulty in paying the interest of the public debt. The governor had urged the necessity of raising taxes for paying the public creditor. The message of the Governor to the Legislature of the State, reports,—

"That the outstanding public debt, to be 7,350,000 dollars, nearly 3,000,000 of which are held by foreigners, and 4,350,000 dollars within the State. A tax was levied last year to meet the expenses of Government, and the value of the State stock had been from 78 to 100 or par, since the passing of that law, making a difference in the value of the stock, in favour of the holder within the State, of 959,000 dollars; a greater sum than the ordinary annual revenue of the State, and twofold greater than the increased tax, the imposition of which had had so decided an effect in producing it."

The actual profit to the state holders, therefore, in consequence of this measure, had been to add one third to the value of the stock, and they were able to use it for all the purposes of money. America had suffered greatly, and would suffer more, unless she made exertions to pay off her debt. He quite agreed, therefore, with the right hon. Baronet, that the public credit ought to be supported. He was the greatest enemy of the working classes who would not support the public credit. Nothing would so much interfere with the prosperity of commerce and manufactures, in the artificial state of this country as any

resolution of not maintaining the public credit. But one way, and the best means of supporting the public credit, and public prosperity, would be, by reducing the expenditure of the country. The less they extracted from the pockets of the people by the Income-tax, and other taxes, the more they would have at their disposal to pay for articles of consumption. He would uphold the public credit, therefore, by reducing our establishments, by lessening the necessity of calling for money, and by general economy. He was perfectly satisfied, that an amount of expenditure equal to the 5,500,000*l.* which the right hon. Baronet now had from the Income-tax, might be saved with perfect ease—might be saved to-morrow, or as soon, at least, as the law for carrying the saving into effect could be brought into operation. Then, if our harbours were only made free for the importation of food, there would be a great impulse to prosperity given. Look, for example, at one of the effects of our Corn-laws and restrictive policy, at the ships rotting in our docks from the want of free-trade! He could scarcely pity the shipowners, because they had been the greatest monopolists in the country, and they were now paying the penalty of it. But were there any appearances in the country like general or permanent prosperity? Let the right hon. Baronet look at the iron trade, or at any other trade but woollen, cotton, and hardware. Nothing but distress prevailed in every other branch of business, and could the affairs of a nation be healthy when this was the case? The nation was never in such a critical condition as now, and he entreated the right hon. Baronet to apply a remedy whilst it was in his power. Capital was abundant, labour was cheap and abundant, and the want of employment was the effect of monopoly and restrictive laws. Fifteen millions of bullion were lying unemployed in the Bank, and deposits to nearly an equal amount; capital was lying dead everywhere, and giving no employment or profit; the country could not recover from such a state of things as this, unless they opened the channels and freed the extension of commerce. He was told, that if they did open our ports to the produce of other countries, that other countries would not take our goods in return. But all our returns showed to the contrary. The returns showed that wherever we had obtained corn during the last three years, there our trade had increased to a large amount, and wherever we had relaxed former restriction, there trade had sprung up. France was an example. Our trade with that country had been doubled during the last five years. We had relaxed our export duties on the produce of France, but France had not reduced her imposts on our goods, and yet our exports to that country had increased from 1,643,204*l.* in 1837 to 3,193,939*l.* in 1842. Every bushel of wheat imported, instead of lowering the price of the produce of the land, would give employment to the artizan to pay for it, and thus would keep commerce in a healthy state, and give to those a full meal who had but half a meal before. The consumption of butter and cheese, two important articles not affected by any tariff, had greatly decreased in consequence of the poverty of the country; for though a noble Lord in the enlightened county of Buckingham had declared that the cheese farmers had all been ruined by taking off the duty on the importation of foreign cheese, the fact was the duty had never been altered, yet the consumption and prices of cheese had fallen greatly from the poverty of the consumer. It was too true, that the consumption of butter and cheese and eggs—articles which helped towards the payment of the rent of the farmer—had decreased before those articles had been imported. The importation of cattle under the tariff had been so trifling, that all the cattle imported would not afford a breakfast for the people. The revenue of the year up to January, 1844, for Great Britain, was put down at 50,071,943*l.*, and showed an increase on the whole year of 5,742,078*l.* But the whole of that increase, instead of being one arising from home consumption, arose from the proceeds of the Income-tax, the duty on corn (which the right hon. Baronet had said ought not to be the subject of taxation), and the money received from China. For these items 7,059,034*l.* ought to be deducted; and, with these deductions, the ordinary revenue was positively 1,500,000*l.* less than it was two years ago, though it was a slight increase over the revenue of last year. Was not this a subject for reflection that the improvement of the revenue arose from casual runs, and not from the usual consumption and the ordinary taxes of the country? The hon. Gentleman who had seconded the motion

had said that "the home market was the best market," (and this was a subject which the Corn-law supporters were constantly mentioning), but there was only one price for goods, there was no difference between the home market and the foreign market. The man who could sell things best abroad would sell abroad; and if he could sell his goods best at home he would sell at home. There had been this year 44,000,000*l.* of the principal manufactured produce of England exported as compared with 40,000,000*l.* in the former year. If they thought the home market the best, they ought to act on principle, and admit no foreign produce and send none out of the country. But here they were protesting against the foreign market and yet were sending out 44,000,000*l.* of produce, 4,000,000*l.* more than the produce of the year before. At present, half the population depended for their support on foreign trade, and if they lessened this amount of exports for abroad in any degree, they immediately threw out of employment numbers of persons, and threw them back for support on the agricultural districts. What was now the case? Every agricultural parish was burthened with poor thrown back upon it, by the operation of their restrictive policy, and the distress was aggravated by extracting too much money from the pockets of the people, instead of taking the course he recommended —that of retrenchment and economy, and giving free-trade. He was not satisfied with the eleventh paragraph of the Speech from the Throne, which stated:—

"I trust that the increased demand for labour has relieved, in a corresponding degree, many classes of my faithful subjects from sufferings and privations which at former periods I have had occasion to deplore."

The Queen had been paying her visits into the country very properly, but she had only seen the holyday side of things. He wished she could have seen the misery which existed behind the gay doings around her. But she had not had the opportunity. He should, therefore, propose to add these words in the address:—

"To declare, that we should ill-discharge the duty we owe to her Majesty if we did not direct her most serious attention to the present condition of her faithful people; which, notwithstanding the improvement of some branches of industry, still exhibits such an extent of destitution and suffering as to demand from her Majesty's faithful Commons an expression of their opinion of the causes, and the best means of removing the same. To assure her Majesty that although we fully appreciate the progress made by this Parliament in reducing the duties on many articles of import, we at the same time deeply lament that her Majesty has not been advised to call our immediate attention to the repeal of those pernicious laws which prevent free trade in corn and provisions, so essential to the sustenance and comfort of the people and to the prosperity of the state; and that we earnestly implore her Majesty's gracious co-operation for the repeal of those restrictive and prohibitory laws which give monopolies in sugar and other articles to certain classes of her Majesty's subjects, to the detriment of the rest, so that no duties may be levied on any imports except for the direct purposes of revenue to her Majesty's Exchequer. To submit most respectfully to her Majesty that an excessive and unequal taxation, disproportionate to the reduced value of property, the diminished profits on capital, and to the inadequate wages of labour, pressing on all ranks of the community, but especially on the working classes, is a principal cause of the existing distress, and that a reduction of the same is absolutely necessary for the relief of her Majesty's loyal, peaceful, and suffering people. That, as this country is, and, as we rejoice to hear, is likely to continue at peace with all the world, we humbly represent to her Majesty, that many branches of the civil, military,and naval establishments may be so greatly reduced as to procure for the people considerable relief from the pressure of taxation, without detriment to the public service."

Before he sat down he should make a few remarks respecting Ireland, and he must say he thought the policy which had been pursued towards that country was most unwise. The question of Irish policy was equally, perhaps more important to England than it was to Ireland; yet here they were incurring an expense of a million and a half per annum to coerce Ireland, because they would not redress the grievances of that country which former Parliaments had pledged themselves to do. When the hon. Member for Kerry introduced the question of repeal into this clause, he (Mr. Hume) opposed it, because he thought it would be detrimental to the best interests of the country; but he said then, as he said now, that distress continued in that country, and great injustice existed; and it was for the House to make their selection—they must do justice to Ireland by removing her well-founded complaints, or they must let her have repeal. If he (Mr. Hume) could believe that justice would not be done to Ireland—if he could believe that

the House would still remain deaf to the entreaties of Ireland, he should become a Repealer himself. Better let Ireland have her own Parliament than be kept in a state of constant disquietude. What a picture did Ireland now present! We were at peace with all the world, and now were making war against the Sister Kingdom! Good God!—[*Cries of No! No!*] Well, then, we were not making war against our fellow citizens, but our proceedings look very like war, and likely to cause civil war there: when he looked at the present condition of Ireland, and saw 50,000 armed men of the army, navy, and armed police, take military possession of that country, maintained there to keep down that country, and to deny her justice, he thought he was bound to express to the House his opinions of that pernicious policy. He held in his hand the copy of a petition agreed to at a meeting to be presented to that House, and he would ask, before he referred more particularly to it, whether it could be contended that the supporters of Mr. O'Connell consisted wholly of that riffraff and set of blackguards which some people wished to make it appear. The meeting to which he alluded was held a few days ago, and was presided over by the Duke of Leinster. The petition ran thus:—

"That the nation is filled with discontent, and that the proceedings of her Majesty's Ministers indicate apprehensions even of a civil war; the army has been greatly increased—barracks have been fortified—armed vessels have been stationed off the coast and upon the navigable rivers of the country;

"That the use of force, though it may be effectual for the suppression of disorder, cannot remove discontent:

"That the discontent which prevails in Ireland is deep-seated and wide-spread, and until the causes of it are removed peace cannot be secured on lasting foundations;

"That the great body of the people are dissatisfied at the general spirit in which they are legislated for and governed. The acts for reforming the representation of the people in Parliament have not given to Ireland an electoral body bearing anything like the proportion to its population which the electoral body of England does to its; and while England, with a population of about 15,000,000, has 471 representatives in the House of Commons—Ireland, with a population of more than 8,000,000, has but 105. The act for reforming the municipal corporations of England extends the municipal franchise to all rated householders in corporate towns. In Ireland, though it is a poorer country, the franchise is given only to householders rated for tenements of the value of 10*l.* a-year. In England the established church is the church of the many; in Ireland it is the church of the few. In England, persons professing the religion of the many are conspicuous on the bench of justice and in the councils of the Crown; in Ireland, although nearly five-sixths of the people are Roman Catholics, there are scarcely any Roman Catholics to be seen in the higher offices either of the law or the state.

He (Mr. Hume) could not help thinking that the right hon. Gentleman on the right and on the left of the right hon. Baronet (Sir James Graham and Lord Stanley) had gained little from their experience in 1834, when they brought in a bill, and made use of the arbitrary powers they had to compel Ireland to what they thought was submission. That measure ended—in what?—perfect failure. Had hon. Gentlemen on both sides of the House forgotten the result? With an administration desirous to do justice to Ireland, the Government of that day erred grievously in bringing in a Coercion Bill. He could not tell what evil spirit urged them to that measure then, but, whatever it was, the same evil sprite was at work now. It could be nothing else. They must be the rooted enemies both of Ireland and of England to propose any such proceedings. Let him notice the result of a contrary policy, when conciliation and redress of grievances were tried, Ireland responded immediately to proper treatment: we held out the hand of friendship to that country, promoted reform, removed the domineering spirit that existed, gave them some ameliorations of church and other institutions; and how did Ireland respond? Why, the army was reduced from 20,000 to 8,500, and she was enabled to send to this country the principal part of the troops to assist in maintaining peace in Yorkshire. Let him (Mr. Hume) ask, what agitation and discontent have occurred since then, that the present Government refused to grant to Ireland an equality of institutions. It ought never to be forgotten that this House refused to listen to Repeal, but had solemnly pledged itself to remove the grievances of Ireland—had failed to do so, and was now deluging the country with military, to the utter disgrace of any Ministry that should pursue such a course in the time of peace. On that ground alone, if they had no other, they ought immediately to institute

an inquiry, as to the amount of expense and the loss to the revenue by such a policy. He was sorry to be led to make these remarks at such a time; but he was sure, if time had been allowed to set matters in order, if they had had forty-eight hours to sift Her Majesty's Speech, they (the Opposition) would have brought strong statements of the existing grievances in both kingdoms to bear, which would have had an influence with Her Majesty. He did not wish that the Address should be moved as some proposed, as a mere matter of form. The noble Lord who proposed, and the hon. Member who seconded the Address, said that they did not wish to raise any topics of argument to create opposition to the Address, but the fact was, that the matters for the Speech and Address, were the very matters that ought to be introduced for consideration, and if they failed to bring those subjects clearly before the House, they were shirking the question, and not doing that to which as Ministers of the Crown and Councillors of the State they had pledged themselves, viz., to consider and promote all matters that might promote the welfare of the country. They, the (Ministry) must be well aware, if their former arguments were to be depended upon, of the evils arising out of the present state of England and Ireland, and in his (Mr. Hume's) opinion, they only wanted the moral courage to bring the subject forward. For his part, he sincerely wished they would do so, and with these few remarks he would propose the resolution which he had read.

Mr. *S. Crawford* wished to propose an amendment to the tenth paragraph of the Address, which applied to that part of the Speech having reference to the Estimates. He wish to add to that paragraph the following words—

"To assure Her Majesty that her faithful Commons will be always desirous to vote such supplies as may be found just and necessary for the public service; but that under the existing circumstances of the country we shall deem it our first and most important duty to inquire into the various grievances complained of by her people, and to devise such measures as may be most effectual for redressing all just causes of complaint."

His object was, that Her Majesty should be informed that the people had deep cause of complaint for grievances which required to be redressed. That House was the proper organ of communication between the people and the Crown; in fact there was no other organ of communication possessed by the people; and he thought, therefore, when that House addressed Her Majesty, it was their duty explicitly to inform Her Majesty what the feelings and the wants of the people were. There were many grievances which the people complained of, and for which Her Majesty's Government had manifested no disposition to provide redress. Those complaints had been at various times represented to the House, and one of the most important of those complaints was, that the people felt that they were not duly and fairly represented in that House—that by the limitation of the franchise the great majority of the people had no votes, and that, therefore, the Members of that House did not fairly represent the people. If those complaints were unfounded, why not inquire into them? Her Majesty should be informed of them, that if she thought fit she might desire her Ministers to concede an inquiry. They complained that in consequence of such a bad state of representation, their interests were abused by class legislation, which was not calculated to benefit the whole community. They complained that there was an accumulation of capital and property in the hands of the few, and that an unjust tax was imposed which at once raised the price of the poor man's food, and prevented him from getting employment. He would not enter into an argument at present as to the propriety or otherwise of the Poor-law, though he had a strong feeling upon that subject; but he would express his abhorrence of the policy which deprived the labouring man of his former claims on the country and at the same time continued a law which taxed his food. They complained also of enormous expenditure—that the estimates were based on too extravagant a scale, and of an unjust and partial system of taxation, which levied more from the poor man than from the rich. They complained of all these things, and they could not so much as get their complaints even inquired into, much less redressed. Therefore it was that he maintained, that those Members who represented the people in that House, should adhere to the constitutional principle of demanding that the grievances of the people should be heard before granting the supplies. Such a course was a constitutional course, and it was one, he contended, which should be resorted to on the present occasion. He conceived

that the House of Commons was bound to cause the complaints of the people to be inquired into before voting away their money; and he further conceived it to be the duty of the Members of that House to take all fair and reasonable means to procure an investigation of their grievances, and their ultimate redress. It was too much the practice for the Speeches made from the Throne not to contain any references of any great value in relation to the object which ought to be brought under the consideration of Parliament; but he thought, if those Speeches did not contain such references, that it was the duty of the House to make them in their answer to the Address from the Throne. It was said by some, that to pursue such a course would be discourteous to Her Majesty. He denied that, and maintained that it was only the duty of the House to inform the Crown regarding the complaints of the people, which in his opinion would be the best means of securing the stability of the Crown by the loyal attachment of the people. With this view he had brought forward his amendment, feeling it to be absolutely necessary, that when the Speech from the Throne contained nothing but accounts of prosperity, the House of Commons should not omit to inform the Crown, that in their opinion there was great cause of complaint, and that though there was an increase of prosperity in commercial affairs, there was still a great mass of the population suffering under destitution, and various other ills such as they could scarcely be afflicted with for any length of time, and retain their habits of obedience and subordination to the laws. He brought forward this amendment at the request of his constituency at Rochdale, from whom he had received the most pressing solicitations to adopt the course which he had taken. In the furtherance of their views and his own desires he deemed it right to propose the amendment which he had read, and in doing so he wished to be understood to mean no discourtesy to Her Majesty. His only object was, as he had said before, to give Her Majesty that information which he thought she ought to receive from the representatives of the people. He would not press upon the House any further arguments, but move his amendment.

Mr. *Warburton* wished to offer some explanation of the vote which it was his intention to give before the House went to a division. He acknowledged that it was at all times the duty of Members to inquire fully into the grievances of the people, but he must add, that he was not prepared to stop the supplies of the country till all the grievances of the people were inquired into; and he did not wish it to be inferred that such was his desire, or such the meaning of the vote which he should give. In former times actually to stop the supplies under great provocation from the Crown was a justifiable course for the House of Commons to pursue. When the Crown, for words spoken in that House, ventured to endeavour to commit Members of that House to the Tower, then to stop the supplies was a justifiable course for the adoption of the House of Commons; and the House and the Crown then both understood perfectly well what was meant; they knew that matters had proceeded to that extremity that civil war was inevitable, and by stopping the supplies the House of Commons meant that they were prepared to go to the fullest extent in vindicating the rights of the people. At that time, too, the evils of actually stopping the supplies were not of the enormous magnitude which would now be the consequence of so acting. Colonies, we then had almost none, nor were there extensive foreign establishments which it was absolutely necessary now to regard before stopping the supplies, for by doing so they would positively throw all the foreign establishments of the country and many of the domestic, establishments into utter confusion. The Crown itself, too, it should be remembered, at that time, had a large amount of private resources on which it could rely. At that time, independently of what were supposed to be the privileges of the Crown it had large contributions from all the gentlemen who then supported those privileges. At present, on the contrary, the revenues of the Crown were entirely under the control of the House of Commons, and even if they were not so, the revenues of the Crown were almost as nothing compared to the necessary expenditure of the State. While he said, therefore, that to proceed to the extremity of stopping the supplies formerly, was a justifiable course, he could not agree with the hon. Member for Rochdale that it would now be proper. By voting, therefore, with the hon. Member he only desired to signify his opinion that the estimates were susceptible of a very considerable reduction. He agreed with his hon. Friend the Member for Montrose (Mr. Hume) that, in addition to a reduction in the naval and military services, very large reductions might also be made

in other portions of the expenditure, particularly in the collection of the revenue, on which, when he had last the pleasure of meeting the hon. Gentleman in that House, he had often heard him speak, and, as he thought, with great effect. He had no intention of addressing the House when he first entered, but he thought that his vote might be liable to misinterpretation if he voted for the motion of the hon. Member for Rochdale without explanation, and that it might be imagined that he was prepared to go to the extremity of stopping all the supplies till all the grievances of the people were redressed. They were of such magnitude, and embraced such a great variety of subjects, that a long period of time must necessarily elapse, before they could be properly investigated and understood. If they were to say, therefore, that the grievances of the country must be remedied before they were prepared to vote any supplies, the whole Session would expire before the sums necessary for the maintainance of the public establishments could be voted. With this explanation, he should vote for the amendment of the hon. Member for Rochdale.

Mr. *Wallace,* like the hon. Member who had just sat down, did not intend to address the House when he entered. The explanation, however, which he should give for his vote, would be very different from that given by the hon. Member for Kendal (Mr. Warburton). He quite agreed with the statement, which that hon. member had laid before the House relative to the history of the ancient practice; but he thought that such was now the condition of the people, that it was necessary to go a little further than they did then, or else the House might stand still; so he thought they should go a little further. He would not be confined by any such fastidious laws as the hon. Member for Kendal had laid down, but would proceed to assist in stopping the supplies whenever the country was not fairly dealt by. Yes, under any such circumstances he would stop the supplies. [*Laughter*]. Hon. Gentlemen might laugh, but he hoped yet to have an opportunity of vindicating those opinions. He did not say when. Let the occasion be when it might, he would not be deterred from taking the course he deemed proper. He was not to be restrained from doing right by any fear of ridicule. Upon these grounds he should support the hon. Member for Rochdale.

Lord *J. Russell* said: Sir, understanding that the House is going to a division upon the amendment proposed by the hon. Member for Rochdale, I think it may be as well, after the speeches delivered by that hon. Gentleman and by my hon. Friend, the Member for Kendal, as well as by the hon. Gentleman who has just sat down, that I should take the present opportunity of declaring my opinions, not only upon that motion, but also upon the general Address which has been so well moved by the noble Lord, and so well seconded by the hon. Gentleman who followed him. Sir, with respect to the motion of the hon. Member for Rochdale, if he means to say that the House of Commons ought to have the power to redress in such manner as the House shall think proper any grievances which the people suffer, I should say, that if the majority of this House is persuaded, that it is right to inquire into certain grievances, and if they think that certain remedies are necessary, I know of no power of the Crown, I know of nothing in this Address which should prevent the majority of this House from agreeing to such inquiry, or from adopting such measures of redress. Therefore, if that be the meaning of the hon. Gentleman, the insertion of this paragraph in the Address is totally unnecessary. But if the meaning is, as I have reason to suspect by what the hon. Member who spoke last said, that a minority in this House, in opposition to the judgment of the majority is to stop the supplies necessary, not for the use of the Crown, but for the purpose of maintaining the honour and safety of the country; if the meaning is, that a minority is to be able to stop those supplies until certain opinions, which are not the opinions of the majority, shall be forced upon that majority, by continual obstruction and delay, then I say, that to steps of that kind, I never can give my sanction, nor can I ever support any motion which tends to that object. I therefore take this occasion of saying in the first place, that I consider there is no necessity for the introduction of these superfluous words in the Address; and, in the second place, that I am glad to have this early opportunity of expressing my dissent from projects which I have heard of in other places, and which I have seen proclaimed and announced in public for forcing particular measures, by means of repeated obstruction and delay, upon a majority of this deliberative House of Parliament. With respect to the Speech, and with respect to the Address, I am very glad to find that the topics touched upon in them, and the manner in which those topics are treated, can meet with my concurrence, so far as is implied by my vote

in favour of the Address. The hon. Member for Montrose has said, that as there are so many topics introduced in the Speech, it would be better that the House should take time to deliberate, and then pronounce its opinion upon each of those subjects. Why, according to the manner in which the Speeches of the Sovereign were prepared in former times, it was proper for the House, on account of the various topics which they embraced, to postpone a decision upon different portions of the Speech, and to take every topic into consideration separately; but according to the manner in which those documents have been framed of late years, a manner better adapted to our times, as the former may have been adapted to the times in which it was practised—it has been more customary to treat the various topics referred to in the Address, so as not to oblige the House to pronounce any opinion upon matters upon which there may be any doubt or conflict of opinion in the House, or to declare any decided opinion, except upon questions which have been frequently, and over and over again discussed, such as the maintenance of the Legislative Union between England and Ireland, and other subjects; but rather to thank the Crown for the communication made, and to reserve other topics for separate discussion upon separate motions made by Ministers of the Crown, or by other Members of the House. With respect to the annexation of Scinde, for instance, if I were called upon now to thank Her Majesty for having undertaken a military aggression against Scinde, and for having annexed that territory to the British empire, I should pause before I could agree to that; but the Address only thanks Her Majesty for the communication of that fact to the House, and for the promise that papers relating to it shall be laid before the House. I differ from the hon. Member for Montrose on this point, and I beg him to consider whether, when topics are treated in this way, if they amounted to fifty-two instead of twenty-two, there can be any great difficulty in paying the compliment to the Crown of agreeing to the Address without a division, and without any discordance in voting. Sir, there is one topic treated of in the Speech, but in such a manner as to preclude me from entering into it: yet upon that topic, at once, I think it necessary to say a few words—I mean the question of Ireland. I quite agree, that while the trials are pending before a judicial tribunal in that country, it would be impossible, with a proper regard to the proceedings of a court of justice, to discuss certain topics one way or the other, without involving the conduct of persons who are now obliged to defend their conduct before the judges. But I wish now most decidedly and pointedly, while abstaining from any discussion upon the affairs of Ireland, to preclude any supposition that I either give my approbation to the conduct which has been pursued by the Government, or to the unfortunate proceedings which have occurred in Ireland, or that I am at all satisfied with the measures which the Ministers have undertaken, or which they propose to take, with reference to the calamitous and most unfortunate state of that country. With these few words I should at once quit that subject, but that a right hon. Friend reminds me, that having given notice of a motion for a committee of the whole House upon the whole state of Ireland, it is right I should state that I mean to bring that question forward then, on the supposition that the trials are concluded by the time for which I have fixed it; but if not, I shall ask the House to give me the precedence which I have at present obtained, for some future day, of which I shall give notice. Sir, there are several topics in the Speech, in answer to which I am happy to be able to express my concurrence in the Address. I am glad to find, with respect to China, that a commercial treaty has been made with that empire, by which the trade between this country and China is likely to improve, and likewise that the Chinese government and our Government have agreed that the advantages which have been secured for our commerce shall be communicated to that of other nations. That is a course (I agree with the hon. Member for Montrose) becoming such a nation as ours, and it shows that we have great confidence in the industry and commercial enterprise of our people. I am glad that after the panic which prevailed some years ago, as to the exceeding might and power of the emperor of China—after the dread felt by those who now sit opposite of the almost irresistible strength of three hundred millions of people, we can now with them congratulate this country that we (the late Ministers) did not submit to the ignominy of suffering British subjects to be immured in a prison and threatened with a cruel death, if they did not yield to certain peremptory terms, but that we did vindicate British honour and the British name. The result has been, I am happy to say, so far from what was anticipated, that instead of

the Chinese being encouraged in their resistance to our just demands, on the contrary, justice has been enforced by the military and naval skill of our troops, and by the diplomatic skill of Sir Henry Pottinger, who, in compliance with the instructions conveyed to him by my noble Friend the Member for Tiverton, obtained terms which, so far from being dishonourable, secured to us greater advantages than we ever before possessed in our intercourse with China. Sir, the Speech alludes, in the paragraph previous, I think, to the one of which I have spoken, to the good understanding subsisting with France, and the pacific relations which prevail between this country and all the principal nations of Europe. I most unfeignedly rejoice, in the first place, at this favourable state of our relations with France. I was one of a Cabinet which was frequently taunted on the subject of the French alliance. We were reproached with being devoted to the government of Louis Philippe—with being too fond of that alliance, in contempt and neglect of an alliance with other more despotic powers of Europe. It was imputed to us, that after that alliance had continued for a considerable time, we were the causes of the alliance being broken off, and of the good understanding which had subsisted being considerably impaired. I am happy to find, from declarations that have been made in the assembly of another country, by persons of no less influence and authority than the late Minister for Foreign Affairs, and the present Minister for Foreign Affairs in France, that if there has been any decline in the intimacy of our alliance with France at a former time—if the good understanding between the two countries was in any degree impaired, it was not from any want of a friendly feeling, or an unwillingness to maintain the terms of the friendly alliance upon which the two countries had previously acted, but that France herself, for various reasons and from various motives, had begun to look for other aid and for different support—and that, in looking for such aid and such support, she ceased to value as she ought the good understanding and the alliance which had before subsisted with this country. Especially with reference to the treaty of July, 1840, I am happy to find that the Minister for Foreign Affairs of France has lately declared that France has now reverted to what was the ancient policy of the French empire—thus signifying clearly that for a time there was a departure from that policy. In the treaty of July, 1840, we were not looking for separate advantages for England, or endeavouring to secure the exclusive success of English policy, but we were acting upon that which was the real and the ancient policy of France—that being, as it has been declared, to maintain the integrity of Turkey, and to assist her in conjunction, not with one, but with almost all the great powers of Europe. In that spirit we acted in the treaty of July, 1840, and in that spirit France ought to have concurred, but for a time France was seduced by the worship of some Egyptian idol which took her away from the ancient policy of the country. I am glad to learn, that she has now reverted to that policy; and I think that the Ministers of this country, finding her disposed to act in consistency with the interests of this country, will act consistently with its best interests by strengthening that alliance. I am glad that we are on the most friendly terms with France. She is one of the most enlightened as well as one of the greatest countries in Europe. From France, as well as from England, have proceeded some of the greatest and most distinguished men of letters and science, whose labours have enlightened the world; and I trust that the two countries will never again have occasion to meet in those fields of warfare which, however they may exalt our military glory, cannot, but be productive of great calamity to mankind. Other parts of the Speech, Sir, touch upon the present state of industry and trade. I was glad to hear from the hon. Gentleman who seconded the Address that there are great signs of improvement in the manufacturing districts. I said last year that I thought there was a sign of great hopes of improvement in those districts. I have no doubt, although there is exaggeration in some quarters, that there has been much real solid improvement in those places. If we come to the causes of those improvements, no doubt one of the greatest was the harvest of last year and of the year before. I have made particular inquiry with respect to the effect of the harvest amongst the poor. With respect to the price of food and the effect to poor families, I have been told that the price of bread this year was to a poor family a saving of a shilling every week in the consumption of the family; and, if we take into consideration the number of families who are in that condition, we see that there must be a saving in the article of food to the amount of 7,000,000*l.* or 8,000,000*l.* sterling in the year, to be devoted to the purchase of

articles of clothing or other goods of which the poor man stands in need. I think it is obvious then that the bounty of Providence goes far to account for the improvement which has taken place in our manufactures. But, Sir, this is quite independent of the policy of any change in the corn laws which may be thought proper or not proper. I think I must say, that the experience of last year can hardly be quoted in favour of any particular law. I doubt if we had a law for the total prohibition of foreign corn, whether the effect would be different from that of the present sliding scale. But, as the hon. Member for Montrose has spoken on this subject, I will venture to say a few words on what I think is the disadvantageous position of the landed interest and the farmers, as the result of the policy of the right hon. Gentleman. There are three different schemes of legislation upon this subject, each of which is supported by a numerous party. One is the scheme—the old scheme—that all articles of British industry ought to be protected against foreign industry, a scheme maintained by those who exercise their skill and capital in certain branches of industry, because, as they contend British industry cannot flourish without such protection. That opinion has still very numerous advocates, and they would push protection much further than it goes at present. Another opinion is that there ought to be no laws for the protection of industry. Competition, it is said, should be totally free; and there should be no duties except for the purposes of revenue. No duties should be imposed with a view to enhance he price of any article, in order that the increased charge might go, not into the Exchequer, but into the pockets of the manufacturer or trader. There is another opinion which the right hon. Gentleman holds. Now, although the first opinion is totally erroneous, and although the second opinion is in itself absolutely true, yet in the condition of this country, having to raise the interest of a debt of 800,000,000*l.* and to support our establishments, and having for these purposes laid on many taxes at various times, some pressing on one class and some on another, when you make a change from what is erroneous to what is sound and true, you should make that change with great caution, and should rather look to how a fair competition with foreigners can be established with some advantages to our own producers, who have hitherto been unduly favoured than go at once into a system of entire freedom. That is the principle which the right hon. Gentleman stated two years ago in introducing his new measure with reference to the Corn-laws, but the misfortune of the present Corn-law is that it does not go that length. That Corn-law is founded on the principle of protection to native industry. All who defend the law, defend it on that ground. It is, therefore, a law which is left alone. It is repudiated in reference to all other productions of the country, and it can only be defended on a principle which you yourselves declare to be indefensible. That appears to me to be placing the agricultural classes at a disadvantage as compared with the rest of the community. If you would say, "Let all interests be protected," you would tie up corn in a faggot with the rest of the produce of the country, and enable it to resist the inroads that might be made upon it. Or, if you would say, that, having made other articles free you would make corn free; or, that having imposed a tax of 10 or 20 per cent. upon other articles, you would impose the same upon corn, you could defend your scheme upon the ground of having placed corn upon the same foundation as other articles. In the latter case you might say, "Corn does give a certain amount of revenue, we are unable to dispense with it, and we have shown no favour to one article of produce more than to another;" but you say that with respect to all other articles of produce and trade you will adopt a moderate duty, but in that one article, in which a majority of the House of Lords and a majority of the House of Commons are deeply interested, you will have a duty of 40 per cent., and that duty shifting and changing in a way which every commercial man declares to be irreconcilable with sound policy. That, Sir, does seem to me to be the difficulty of the present Corn-law. And when I see gentlemen at agricultural meetings, after expressions of distrust of the right hon. Baronet (Sir R. Peel), much greater than I, one of the leaders of the Opposition, ever ventured to express, bid him openly come forward, declare that the Corn-law shall not be changed, and bind himself to it for perpetuity, I must say, such men make the most extravagant and absurd request that ever was made of any statesman in this country. The right hon. Gentleman told us last Session that he did not mean to alter the Corn-laws last year, but that, with respect to the future, he must judge of the condition of the country,

and of the effect of this as of any other commercial law. I thought that the only answer the right hon. Gentleman could give—and I should certainly be very much surprised if I found him now saying—"I am so enamoured of my law, I think it in all respects so perfect, that I will stand by it under all circumstances." I should be surprised if he made that declaration; and I think that the agricultural cry is a most unreasonable one. It has, perhaps, some excuse in what passed in 1840 and 1841, when declarations were made—certainly not very intelligible to the landed interest, or very reconcileable with the free-trade doctrines of 1842. But I do hope that no Government of this country, seeing what the Corn-law is, and how irreconcileable it is with all the principles on which our other laws are founded, will ever declare themselves perpetually wedded to such a law, which is an anomaly in commercial legislation. Having stated thus much with respect to the topics which the hon. Member for Montrose has brought into the debate, I do not know that I have any thing to add than that I shall cheerfully give my concurrence to the Address; I wish no addition to be made to it of any kind; therefore I cannot vote with the hon. Member for Montrose, and at all events I shall give a most decided negative to the amendment proposed by the hon. Member for Rochdale.

Sir *R. Peel:* Before I notice the motion which has been made by the hon. Gentleman, the Member for Rochdale, and on which I apprehend the first division will be taken, or make any remarks on the observations which have fallen from the noble Lord and the hon. Member for Montrose, I am sure you will excuse me for expressing, in concurrence, I believe, with the general feeling of the House, the satisfaction with which I heard the speeches of my noble Friend and the hon. Gentleman who moved and seconded the Address. The hon. Gentleman, the Member for Montrose, a political opponent of theirs, stated distinctly that he recollected on no occasion to have heard an Address to the Throne moved and seconded with greater judgment and greater ability than have been displayed on the present occasion. I am sure that the ability which my noble Friend and the hon. Gentleman manifested, accompanied with a sincere and unaffected diffidence and distrust of their own powers has, I will not say won for them, but confirmed them in the general favourable opinion of the House; and I trust that the possession of that favourable opinion, as indicated more than once, will induce them to overcome that feeling of distrust and diffidence in their own powers, and stimulate them to apply their abilities to the public service of the country. Sir, it is my intention to offer a decided opposition to the motion of the hon. Member for Rochdale. More from what has passed in other places than from what he distinctly intimated to-night. I apprehend that motion is intended as the foundation of measures to be adopted for the purpose of stopping the supplies; and Sir, if I concurred in opinion with the hon. Gentleman—if I entertained the opinions which he entertains with respect to the advantage of introducing more of the democratic or popular influence into the constitution of this country—I should be equally energetic in deprecating his motion. I can conceive nothing more injurious to the popular principle of the constitution than to abuse the privileges we possess, and which are calculated for our guidance on great occasions. The power of moving constant adjournments is a power of which it may be right that individuals or a minority should continue in possession, but it is intrusted to them, like other powers under a great responsibility; and they are seriously affecting the popular principle, and injuring those interests of which they are, I am bound to suppose, the sincere and strenuous advocates, if they lightly call into action instruments which ought only to be invoked on great occasions. The hon. Gentleman says, that he will stop the supplies until the grievances of the country are redressed—why, what various opinions are entertained both as to grievances themselves and as to the best mode of their redress? If the hon. Gentleman and those who concur entirely in opinion with him were to form the Government of this country, and possessed a great majority in Parliament, they would be setting an example fatal to their own power if they allowed a small minority, differing from them as to the nature of grievances and the mode of redress, to obstruct the conduct of public business by abusing privileges conferred on them for the public benefit. The important privilege of moving an adjournment is conferred on the minority as a protection against an oppressive majority. I

myself have seen no case in which the majority have been disposed to act in such a manner as to justify the adoption of such a course. But, above all, that great instrument of which we are in possession—namely, the power of stopping the supplies—is one which it is of the utmost importance that we should maintain intact, and refrain from impairing its efficiency in a great emergency by an inconsiderate and unjustifiable use of it, because a small minority differs from a great majority as to what constitutes a public grievance. I have known many occasions on which both the hon. Gentleman and the hon. gentleman on his left (Mr. Wallace) have come forward with strong declarations as to their intentions; but in the course of the Session their own good judgment and sense of public duty have prevailed over their rash declarations made at its commencement; and I have that confidence in the good sense and judgment of both the hon. Gentlemen the Members for Rochdale and Greenock, that I am inclined to think they will feel on reflection that being the guardians of the great popular instrument by which popular privileges, popular interests, and popular rights, may have to be defended—namely, the power of stopping the supplies—they will not discredit it by resorting to it on any trifling and unjustifiable occasion. Now, with respect to the speech of the hon. Member for Montrose, I agree with the noble Lord the Member for the City of London much more than with the hon. Gentleman, that in these times, and according to the practical working of the constitution, it is much better, if we can, to avoid wording the Address in a manner that shall compel a division, and on this account, that a government might have great advantage in unfairly resorting to the opposite course. They know what is to be the nature of the Speech, and the nature of the Address; they might, therefore, if they were inclined, relying on a large majority, get a pledge on some particular question by summoning their friends to attend on the first night of the Session. If I, as a minister, wanted to elicit from the House of Commons any declaration on the first day of the Session in favour of a particular act of the Government, or a particular line of public policy, I should feel it but fair to give public notice of my intention, in order that the opponents of such a measure might be enabled to attend and discuss it. The hon. Member for Montrose said there were twenty-three paragraphs in the Address, and how is it possible for us to express a deliberate opinion on each of them worthy of the House of Commons on the first night of the Session? He says, give us at least twenty-four hours to consider. Well, now if I gave the hon. Gentleman twenty-four hours to consider these twenty-three paragraphs, I very much doubt whether, considering the importance of the subjects to which they advert, the interval of twenty-four hours would enable the House of Commons to come to a very satisfactory decision on each of those questions. The hon. Gentleman did not show quite so much modesty and distrust in his own opinion as I should have expected, from the demand he made of twenty-four hours' delay; for he came forward with three or four amendments ready prepared, and said the House ought not to allow one moment to pass before it affirmed his opinions. When he called for time to consider the topics mentioned in the Address, I certainly expected that he would have followed up his own advice, and not called on the House to pronounce a positive opinion in concurrence with his own on these four or five important questions introduced by him into this debate. Sir, the subjects adverted to are of so much importance, that it is infinitely preferable for the public interests, and the conduct of public business, that we should reserve each for separate discussion rather than attempt to pronounce any collective opinion on all the matters referred to in the Speech and the Address. I should be sorry to see the practice revived of reading the Speech at the Council the day before the meeting of Parliament, and I think the present practice most fair and most advantageous. I think it advisable not only that a Minister should avoid introducing into the Speech of the Crown any subject that might provoke warm, perhaps acrimonious, debate, or on which political opinions might differ; but I think it advisable that he should avoid committing the House of Commons without full notice on any question introduced, rather than read the Speech the day before, and expect the House of Commons to be ready to discuss all matters that might be contained in it. Sir, I am glad to hear that the general tenor of the Speech

meets so much the approbation of the noble Lord. Reserving himself entirely on the question of Ireland, with regard to which the noble Lord has given a distinct notice, I must say I heard with great satisfaction the noble Lord means to give to the Address his hearty and cordial concurrence, which more than consoles me for some of those taunts in which he has indulged in the course of his speech. With respect to France, the noble Lord in his own vindication thought it necessary to refer to the period when there was an unfortunate and material discordance in sentiment and action between France and this country. I shall not indulge in any acrimony or refer to what were the causes of that difference. I contemplate as I believe the House contemplates, with great satisfaction the re-establishment of better feelings between the two countries; and I think it is infinitely better not to disturb it by any reference to the period when there might have been a difference of opinion. If we were to attempt to assign the precise amount of blame to which each party might be liable, I think we should be much more likely to run the risk of reviving animosity than allaying it; but on the main fact, the policy and advantage, not to this country, but to the interests of peace and of civilisation, of maintaining a friendly understanding with France, I have the satisfaction of thinking that this great popular assembly is almost unanimous. Referring to the course which I took in opposition, I never have concealed my sentiments as to the policy of establishing that good understanding, and I will explain fully what I mean by that good understanding. I do not mean any secret engagements between France and this country which can give offence to any of the other Powers of Europe: our understanding ought to be patent and open to all the world. We seek not to interfere with or prejudice the rights of any other country—we covet no invasion of the territory of any of them—we wish not to diminish the just influence and authority of any of them—we wish not to propagate particular opinions in other countries with reference to systems of government—we do not wish to shake the attachment of any subjects to their Sovereigns; but the time is come when we ask ourselves in France and England this question,—Are our interests so opposed to each other that there is a necessity for our fomenting party interests in other countries, and placing ourselves at the heads of rival factions because the forms of government are different from our own? If there is no such opposition—if we are agreed in the general principles on which a good understanding should exist, I say again it is for the interest of humanity and civilization that that good understanding should be permanently established. Does England covet any portion of France? Does France covet any portion of England? Do we seek any extension of territory at the expense of each other? Are our institutions opposed to each other? Each has a popular form of representative responsible government. This I say, on the part of this country, that I am perfectly certain that that good understanding with France would not be a cordial, and could not be a permanent one, if it were purchased by either country at the expense of the concession of one single point of national honour or the compromise of any one principle. In two countries of such high honour and of such great power it is absolutely necessary for the cordiality and for the permanence of that good understanding, that there should neither be any secret engagement, or special contract with which any other country can find fault; neither should it be in the power of the Minister of the one country to boast that he has promoted, or attempted to promote that accord by obtaining for one any advantage over the other. On the part of France, I say at once, that no such concession has been made by the French government—there has been no compromise of any right; on our own part, I make the same declaration. There has been no concession on our part—also no compromise of any right, or of any principle whatever. Now, what is the position of the two countries? We stand each of us at the western extremity of Europe, governed by similar institutions, and if we are not agreed our disagreement must influence the policy of every country with which we are connected. We are also in contact not only with the western states of Europe, but more than other countries with that great quarter of the globe which lies on the other side of the Atlantic. If we are to have different interests, if there is to be an English party in every state and a French party, I can only say that England

and France will be the curses of the world, there will be no advance in well-constituted institutions; we shall be powerful enough to obstruct; but, for want of concord and agreement, we shall be unable to promote the successful results of the domestic policy of any state. This very day I read a letter from our representative at Athens, a very able and distinguished man, Sir Edmund Lyons, referring, I will not say to the conflict, but to that great discussion which is going on in Greece, and which, I trust, will be most favourable to the future interests of that country with respect to the establishment of a free constitution; the advice given by Sir E. Lyons is in conformity with the public sentiment in this country. His advice is in favour of the establishment of such institutions as are most in consonance with a limited monarchy, with all the privileges of a limited monarchy, and yet, at the same time, with a free expression of the popular will. If there is discordance between France and England at a period of such a great social revolution in Greece—if, as I said before, there is an English party and a French party, and this man is at the head of the English party, and another man at the head of the French party, there is little probability that the march of events will be smooth, and the result of that effort to establish these institutions successful. But when Sir E. Lyons is enabled to write on the 10th of January last, as he did write, and as I read this day.

"This is the advice which, when consulted, I have given, and I rejoice to say that I can rely upon the entire, the cordial, the persevering support of the same opinions from M. Piscatory, the Minister of France,"

I ask, is not that alone a decided proof at such a crisis of a nation's fate, of the great advantage of agreement between two such countries as England and France? The hon. Member for Montrose, who is the representative of one set of opinions in this House, I presume I may call him the organ of extreme popular opinions, and the noble Lord, the Member for the city of London, the representative and organ of a great party in this House opposed to the Government, have declared their concurrence in the sentiment I have ventured to express as to the importance of that agreement. I believe they are the feelings of the great body of the people of this country. There is no wish here to recur to past animosities, or revive those feelings of national antipathy and hostility, which ought to be converted on account of our vicinity into sentiments of reciprocal and mutual good-will. Such feelings are, in fact, entertained, notwithstanding our past conflicts, by the great body of the people. We admit the glory of France; we admit her military renown. No country in the world has attained a higher reputation in war, by the skill of her great commanders and the intrepid valour of her soldiers, than France. I do hope that great and powerful people will feel so conscious of their honour and renown, that they will not think it necessary to countenance feelings of hostility, or recur to past military operations for the purpose of securing to France that reputation of which they don't stand in need. I believe the cordial concurrence of the House in an Address, declaring satisfaction at friendly relations between the two countries will go far to satisfy the people of France, that such are our honest and unaffected feelings. Sir, with respect to Ireland, I shall follow the example of the noble Lord. Her Majesty declares her reluctance, while the legal proceedings are pending, to refer to those proceedings; and it is indeed impossible to refer to parties connected with affairs in that country without in some way alluding to the trials now going on. The noble Lord has named a day (in anticipation that those trials will then be closed) when he intends to bring forward the affairs of that country; and I am on that account the less disposed to refer to those matters. Sir, almost the only other subject of importance to which the noble Lord alluded was that of the Corn-laws. The hon. Member for Montrose stated, that in 1841 I complained of the then Government for not intimating in the royal Speech their intention of bringing forward that subject, and I recollect observing that, considering the magnitude of the subject and the complicated interests it involved, when the Government had made up their minds to bring it forward, they should have taken that course which the present Government pursued in 1842, when there was a distinct reference in the royal Speech to the Corn-laws, and a recommendation to take them under consideration. The hon. Member added, that as the subject is not mentioned in the Speech this Session we do not, he supposes, intend to alter the existing law. Sir, he is right in

that supposition. Had the Governm nt entertained any such intention, they wo ld have intimated it in the Speech from the Throne; and he is, therefore, correct in the inference he draws from our silence. The noble Lord said, he thought the agriculturists—whom, sometimes, curiously enough, he defends against me, while at others, he attacks them himself, have reason to complain of my conduct. He says, there are three classes of opinions on the subject of the Corn-laws. [Lord *J. Russell:* "On commercial policy, generally."] I thought the noble Lord spoke with reference to the Corn-laws. One opinion, he said, was, that it was desirable to protect native produce; that the present protection was not sufficient, and that it ought to be carried to a greater extent, regardless of our foreign trade. Another opinion, he said, was, that there ought to be an immediate and total repeal of all duties on corn; that if taxation existed, it should exist only as the means of raising revenue, and should not be instrumental to "protection," properly so called. A third opinion, he said, was (and he added that he thought I had the honour to concur with him in the general principle), that although it might be true that in a new state of society, and abstractedly speaking, there should be no protection for native interests, yet in a country like ours, with such complicated relations and such large vested interests, and with so vast an amount of taxation, it would be dangerous to apply principles even abstractedly right, incurring the risk of a great disturbance of capital and of great injury to those engaged in existing arrangements. Sir, in that general principle I do certainly concur. I believe the abolition of the Corn-laws would produce great confusion and distress. There is, however, this difference between us—the difference between the fixed duty and the graduated scale. Now, here I retain my own opinions. Agreeing in the general principle as I have stated, with the noble Lord, he proposes to secure his protection by a fixed duty, and he says Members of Parliament are liable to the invidious imputation of being actuated by personal interests in advocating the sliding-scale. Surely the same suspicion attaches to the fixed duty plan. The noble Lord might say I propose this fixed duty for the purposes of revenue, but if that duty be carried high, though intended by him for revenue merely, it operates in the same way as a graduated duty—it operates as a protection. If the noble Lord intend it for revenue merely—if he think there is no claim on the part of the agricultural interest to pro ection in any shape whatever, then I re ain my opinion that the noble Lord will find it extremely difficult to resist the argument that if this duty be laid on foreign corn for the purpose of revenue only, and not for protection, why not apply it to corn of domestic produce? When the noble Lord is defending his fixed duty on wheat as a fixed duty imposed, not for protection, but for revenue, he will have the case of barley and of malt quoted against him, and will be told that with respect to other descriptions of corn, such as barley, we do raise a large revenue from our domestic produce, and that if you think it right to have a duty on wheat, not for protection, but for revenue, why not lay a tax on wheat ground at the mill, and not confine yourselves to taxes on the imports. Why not pursue, with respect to wheat, the course you have taken with respect to barley, and subject both foreign and home produce to equal duties—provided you are sincere in enforcing your duty, not on account of protection, but really mean to impose it on account of revenue. And what would you say to the representatives on whom you say it is so invidious to bestow protection on their own interests? Would you say, "I am exceedingly sorry to give you protection; it is a very invidious thing, and I think you have no right to it, but I am obliged to confer this unexpected benefit on you most reluctantly, because I mean to enforce my duty on foreign corn, not for protection, but for revenue." The noble Lord, I think, would find it difficult to prevail on his constituents to adopt that distinction. Sir, I stated last year—not because I contemplated alteration in the law at any future period, but because the question was put to me, that the Government were not then prepared to alter the existing law. But when pressed on the part of the Government to make a declaration that at all times, and under all circumstances, I would adhere to the existing law, I said that such a declaration on my part was inconsistent with the duty which I owed to the Crown, but I did not state that for the purpose of reserving to the Government any escape from this question. The hon. Gentleman has said

that you have three courses open to you; that you may either repeal that law, for as far as a fixed duty is concerned, says the hon. Gentleman, it is utterly impossible for you (the Government) to propose it. I do not know what it is impossible for any man to do. I hope hon. Gentlemen do not think that her Majesty's Government are making any reservation with respect to this. But when the noble Lord shall think that, in the opinion of the agricultural portion of the community, protection may be set aside in favour of total repeal, whenever that alteration in public opinion shall have taken place, I am strongly inclined to think that the noble Lord will be the party to propose a fixed duty, and not myself. But the experience of the present Corn-law has not in the slightest degree shaken my opinion in preferring the principle of the graduated scale to that of the fixed duty. I gave it the preference at the time I proposed it, and nothing that has yet happened has induced me to change my opinion. I say, therefore, now, as I said last year, though I should not, on the part of the Government, think it consistent with my public duty to conciliate support by an engagement to adhere, under all circumstances, to a particular law respecting the imposition of duties—yet I can with equal truth say, I have not contemplated, and do not contemplate, an alteration in the present Corn-law. Why should the Government contemplate such an alteration? I believe the prices of corn since the alteration of the present law have been at least as fixed and subject to as little alteration as at any previous time. Look to the prices of corn during the last three or four months. It is very difficult to find any period when the prices of corn were more regular or more fixed, with fewer variations than in any former period. The price has varied from 50*s.* to 52*s.*, and, I believe, that for the last three or four months that has been the extent of the variation. And then as to the price of corn in relation to dearness. I have here an account of the average prices of corn for the last fifty-four years, from 1790. I find that the present average price of wheat is 50*s.* 1*d.* Out of the fifty-four years, there are only seven in which the average price has been less than the present price; whilst in forty-seven years it has been higher. Consequently, neither on account of the price of corn, nor on account of variations in that price, am I led to form a more unfavourable opinion with respect to the operations of the present law, than I entertained at the time when, on the part of the Government, I proposed it; and I can consistently again say, that the inference drawn by the hon. Gentleman from the silence on this subject in her Majesty's speech is correct, and that though the Government do not bind themselves by engagements inconsistent with their duty to the Sovereign and the country, they have not contemplated, and do not contemplate any alteration of the law which at present regulates the importation of corn. Sir, I do earnestly hope, that the general state of the country, justifies the expression with regard to it introduced into the Speech from the Throne. I do believe, there has been a material improvement in some important branches of manufactures and trade. There was a great change in the Customs duties in 1842, and there was, I think, a disposition to draw too hasty a conclusion, as to the operation of that change. Government asked for time, in order to have an opportunity of judging what would be the effect of the alteration. When we mentioned, last year, that we thought there were indications of improvement, though the noble Lord says he joined us in the expression of that opinion, yet I recollect well the statement was doubted by Gentlemen on the other side and we were told we had nothing but prospects of increasing depression. I hope, that it is now admitted, that a material improvement has taken place in some branches of manufacture. The iron trade, I am aware, is still in a state of depression, but as was justly said, by my hon. Friend, the demand for increased means of communication throughout the country, the proposals for new railways, the increased prosperity of those manufactures which require a considerable quantity of iron, will all have the effect of increasing the consumption of that article, and I do trust, that the operation of these causes will influence the iron trade in turn, and that we shall not only find indications of, but substantial and active improvements. With respect to the revenue,—her Majesty's Government, professing not to represent it in too bright colours, state a fact to the House which is consistent with truth, viz., that, in the present year the course of deficiency has been suspended, and that the revenue of the present year

will at least be amply sufficient to meet the existing charges. I trust, therefore, that the House believe, that we do meet Parliament in the present year under improved circumstances. Looking to our foreign policy, and to the questions which we have arranged with the United States—a country with which we maintain relations, probably, as important even as those which we maintain with France—if we have not settled all the questions of difference with that country, we have at any rate removed those immediate obstructions to a good understanding. which two years ago, threatened the relations of amity that subsisted between us. With France, without concession or compromise, on the part of either Government, we are justified in stating, that the most friendly understanding prevails; and we have found, that friendly understanding telling with advantage in every quarter of the globe in which the interests of the two countries come in contact. The balance between revenue and expenditure is equalised, and at any rate we have this year put a stop to the accumulation of debt. That depression which visited some of the great interests of this country, and which caused such deprivation and suffering amongst the working classes is at least in a considerable degree, converted into growing prosperity—a prosperity which I trust will become still greater. I know perfectly well, that although suffering and privation are relieved, there still exists, in many parts of the country, distress which we cannot view without sympathy, but this, I trust also, is in the course of being lessened, if not removed. And on the whole I do trust that I am justified in stating that in the performance of our duties towards the Crown and the country, with respect both to foreign relations, the condition of trade and the state of the revenue, that we are enabled to present ourselves before the assembled Parliament of this country as having fulfilled the expectations which we held out as to the prospects of the empire, and the effects of the measures we proposed, and that you will deem we have not been wanting in the duties which we owe to our Sovereign and the country.

Viscount *Palmerston:* I entirely concur with my noble Friend the Member for London, in thinking that there are many satisfactory points in the account given by her Majesty's Government of the state of the public affairs of the country. It must be gratifying to every man to learn, that the distress which so long oppressed the manufacturing industry of the country is beginning to disappear; and also that the revenue is beginning to recover from the depression under which it laboured, and that the income for the current year is likely to exceed the expenditure. Whether these two results might not have happened at a still earlier period, if the measures which we proposed to Parliament in 1841 had been adopted, is a question I will not now discuss. Though I entertain a decided opinion on that point, I shall also follow the example set by those who have preceded me in debate, and abstain from making any observations in reference to certain proceedings in progress in Ireland—a reserve dictated by obvious reasons, and which I shall not attempt to depart from. With regard to the Corn-laws also, for similar reasons, I shall not enter upon any argument at present, especially as many opportunities will doubtless arise, in the course of the Session to discuss them. But without entering generally upon that question, I may be permitted to remark upon the extraordinary position maintained by the right hon. Baronet opposite in regard to this matter. The right hon. Baronet says, that if we lay a fixed duty upon foreign corn for the purpose of revenue, we ought also to lay a similar duty upon corn produced at home. I cannot at all admit that proposition, because if it were admitted it would go, as I apprehend, to the abolition of all customs duties, except those which countervail the excise, or we must extend to all articles manufactured at home the same duties which are levied on the importation of similar articles manufactured abroad. There is no inconsistency in the proposition of a fixed duty on foreign corn, nor is there any departure from the established practice of the revenue. We levy duties on many articles which come from abroad, without levying any duties on similar articles produced at home. Consequently, there is no inconsistency in levying a duty on corn imported from abroad, without levying a duty on that grown at home. The doctrine of the right hon. Baronet would go much further than he was aware, for it would bear upon the great question, whether we ought to raise the revenue by direct or indirect taxation. I am for indirect duties, and I see no reason why corn coming from abroad should not be the subject of indirect taxation, the same as any

other imported commodity. I concur in the satisfaction expressed at the successful termination of the negotiations with China; and I am glad that the stipulations of the treaty allow the privileges obtained by England to be shared by all the other nations of the world. I think these were very wise and fitting provisions to introduce; and whether the merit of proposing them rests with the Government of England or that of China, they are highly creditable to the parties who framed the treaty. [Sir *R. Peel:* It was by a supplementary treaty.] To proceed then to our other foreign relations, no one feels greater satisfaction than myself, that the relations with France are replaced on that footing of good understanding so eminently important, not only to the interests of the two countries, but to those of Europe generally, and to the world at large. I feel the greater satisfaction upon this score from the recollection that the Government of which I was a member was able to boast of preserving a similar state of uninterrupted union between the two countries during the first six years we were in office. It was lately stated, and very truly, by one of the most eloquent members of the French Chambers, himself a practical statesman, and well informed as to the events he was discussing (Monsieur Thiers), that from the years 1830 to 1836 the most cordial and sincere relations of friendship existed between the two countries; and that that union, if not absolutely and indispensably necessary at that time for the peace of Europe, did contribute most essentially to preserve it. When we were taunted and reproached during that period, not indeed by the right hon. Baronet, or by his colleagues, but by many of his supporters, for alleged subserviency to France, I said that as long as the mutual interests of the two countries remained the same, I should continue to cultivate the friendly relations existing between them; but that as soon as those interests diverged I should adopt a policy conformable to the interests of this country. In time it so happened that the interests of the two countries did diverge, it was not from any fault of ours that this divergence took place, because, we always maintained an uniform and consistent course of policy; but the views of France happened to differ from ours on certain essential points, and our respective lines of policy became necessarily divergent. Down to the treaty of 1840, however, the general principles of the two governments were the same. The object of that treaty was to rescue Europe from great imminent danger with which it had for several years been threatened by the state of things in Syria. In framing this treaty, we had no peculiar objects of our own in view—no selfish interests to advance; and if it was the misfortune of England to differ with France on that occasion, we did so in common with the other great powers of Europe, who all took the same view that we did of the great question then in hand. I am truly glad, however, to find that the irritation which arose out of those events has now subsided, and that a cordial good understanding has again been established between the two countries. With regard, however, to the results of that friendly understanding, I feel bound to say that they are not in all respects the same as those which accrued from the good understanding which existed with France during our Government. The result of the amicable relations between England and France, from 1830 to 1836, was eminently conducive to the interests of liberty, and to the welfare and happiness of mankind. The result of that friendly understanding was, that Belgium was saved from invasion, by which she was threatened for the purpose of resubjugating her people and reannexing her to the kingdom of the Netherlands. The next result was, that Portugal was freed from the despotism of Don Miguel, and obtained the enjoyment of a constitutional government. Spain also became possessed of the inestimable advantages resulting from a popular and representative constitution. Another result of the friendly relations between France and England was, that the two countries laid aside the reciprocal jealousy which had existed between them, as two great maritime powers, and concluded the treaties of 1831 and 1833, by which they gave each other a mutual Right of Search for the suppression of the slave-trade, and the consequence was, that the slave-trade, which had till then been carried on under the flag of France, was immediately suppressed. Such were the fruits of the union between the two countries while we were in power, but I look in vain for similar results from that union which is so much boasted of now. If we turn to Spain, we see the Regent, whom the right hon. Baronet declared to be the best security for the progress of civil liberty and for the maintenance of order and tranquillity in that country, expelled; the popular constitution suspended; a mili-

tary despotism established in its stead, and the Spanish nation governed by proclamation instead of being governed by law. That is the result of the good understanding between the two Governments as far as Spain is concerned. With regard to the slave-trade, I much fear that instead of fresh measures for its suppression, we are about to see the abrogation of the treaties providing for the mutual Right of Search. Indeed, it has been asserted by the French minister, that negotiations for that purpose have been begun. But I can tell the right hon. Baronet and his colleagues if that be done, and that mutual right of search, which is the only effectual check upon the single security against the slave-trade, be done away with, the slave-trade will be revived under the flag of France, and a great injury will be done to the interests of humanity. The right hon. gentleman referred to the treaty concluded last year between this country and the United States, as having removed the most material points of difference between the two countries, and facilitated the settlement of others. On looking, however, to the late speech of the President of the United States, particularly to that part which treated of the Oregon territory, I regret to say, I do not see symptoms of that good understanding which some persons anticipated from the treaty of last year. One of the reasons assigned by the Government for the concessions in the Washington Treaty was, that the American people were convinced of their right to the disputed territory, and were determined to enforce that right by arms. Now, I perceive, that precisely the same language is used in the last speech of the President with regard to the Oregon territory, for it is there announced that the whole American people hold that they have a right to the whole of that territory, and it is recommended that military posts should be established in it in order to protect emigrants who go thither. I fear that the arguments which have been used to the English Government with so much success as to the north-eastern boundary will be equally powerful, and have the same effect as to the territory on the shores of the Pacific. In the Speech from the Throne in February, 1842, it was announced, that negotiations were pending with certain Powers, which Her Majesty hoped would lead to conventions founded on just principles of mutual advantage, and calculated to extend the trade and commerce of the country. We have never yet heard which are those several Powers, nor what has been the result of those negotiations. It may be presumed, that among those Powers were France, the United States, Portugal, Spain, and Brazil. I believe, that with none of those Powers has any convention of the nature referred to been hitherto concluded. Perhaps we shall hear in the course of the night, or at all events in the course of the Session, what were those negotiations, and what have been their results. With some Powers we know there have been no conventions concluded—with France, for instance, it has been declared by the French government in their chambers that our negotiation is at an end. Any commercial negotiation with the United States has been placed out of the question by the determination of our Government to maintain the sliding-scale. The public papers have informed us, that the negotiation with Portugal has failed, and it is well known that nothing is likely to be done with Spain. We have heard of a negociation going on with Brazil, and it has been reported that the point at which it went off was, that the British Government declared to the government of Brazil, that they were prepared to admit sugar the produce of free labour, but not sugar the produce of slave labour; and that, therefore, unless Brazil abolished, or considerably modified slavery, Brazilian sugar could not be admitted. That proposition might have been made in perfect good faith and good feeling by the British Government, but it seems to me, that they have shown very little knowledge of the feelings, habits, and prejudices of the Brazilian people; for you might as well ask the country gentlemen of England to abolish the Corn-laws as the Brazilians to abolish slavery. I am bound to suppose that proposition was made sincerely; but assuredly, if it had been intended to attach to the negotiation a condition which would to a certainty make it fail, the ingenuity of man could not have devised a method more sure to accomplish the object in view. It is said, that the Government intend in the course of the Session to introduce measures connected with the criminal law. To so important a subject as that we might have expected some allusion in the Speech; but there is none, unless, indeed, it be said, that the subject is included in the truly comprehensive words of the last passage of the Speech:—

"I commit to your deliberate consideration

the various important questions of public policy which will necessarily come under your review, with full confidence in your loyalty and wisdom, and with an earnest prayer to Almighty God to direct and favour your efforts to promote the welfare of all classes of my people."

Certainly, a recommendation so general of all the matters that may be brought under the consideration of Parliament may be said to include a reform of the courts connected with the criminal law, but the measure I allude to is one of considerable importance, and to which some specific allusion in the Speech might reasonably have been expected. To the Address itself I see no objection. It is framed according to the most approved precedents for such things, committing nobody to any opinion, and I shall, therefore, vote for the Address as it stands, and, with my noble Friend, negative the amendment.

Mr. *Roebuck* said, the debate of that night had exhibited a somewhat extraordinary spectacle to the inhabitants of the three kingdoms. He had always been taught that the time for the expression of the opinions of the House on the policy of the Government, was on agreeing to the Address to the Crown in answer to the Speech. The noble Lord (John Russell), however, had told them that this was an error—that agreeing to the Address was now a mere form; and his opinion had been echoed by the right hon. Baronet opposite. So that it now appeared that all they had to do in that House, on the first night of the Session, was to come down to hear two gentlemen utter their opinions in favour of the Government, attired in somewhat extraordinary dresses. Was it supposed that the world out of doors would believe that at a time when the very unity of this country was threatened, nothing was to be said in Parliament on a course of policy which thus endangered the safety and strength of the state? At that moment they all knew that the danger was menaced of a dissolution of the Union between England and Ireland. They could not escape that—the danger was there. And yet at such a moment they were called upon by the leaders on either side of the House to be utterly silent; to be, as it were, careless of a circumstance most fatal to the happiness and prosperity of both countries. And why? Because there was a trial pending in Dublin! For no other reason whatsoever. He (Mr. Roebuck) would appeal to those who sat on that (the Opposition side)—to that portion of the House which connected itself with the liberal feelings of the country—and ask them what would be the feelings of the great body of the people of Ireland when they were told that the Opposition had passed over in total silence the policy of the Government, and that they had not attempted to come to the rescue of those who were now being oppressed by that policy? And why? Because such a course was agreeable to both parties. Because it was agreeable to the right hon. Baronet opposite to have an easy night of it—to have what is called an unanimous address to the Crown. He was sure that nobody on that (the Opposition) side of the House, would wish to do any thing that was not loyal and obedient to Her Majesty, but the course taken to-night involved a very different question—one brought before them under great and extraordinary difficulties. Believing, as he did, that the Union with Ireland was a blessing necessary to the welfare of both kingdoms, he was most anxious to mark to the people of Ireland that there was a deep sympathy for them existing in that House; that when the representatives of the people met to discuss the affairs of the country they were not blind to the grievances under which the Irish laboured; but which they thought the people of England refused to sympathize with, and in consequence of which they demanded a separation from this country. They were told that a time would come when they could discuss the grievances of Ireland. He maintained that the time was now come. It was a very curious thing, but there were two questions that were now moving the people of England and Ireland—the one was the repeal of the Corn-laws and the extension of trade, and the other was the repeal of the Legislative Union between England and Ireland—and yet these were the two questions which the leaders on both sides concurred to-night in consigning to utter oblivion! ["*No.*"] The noble Lord the Member for Sunderland said "No." But did not the noble Lord the Member for London distinctly say that he differed from the hon. Member for Montrose, because he brought the Corn-laws under discussion, and, though the noble Lord was compelled to make some passing observations, did he not say he considered himself not called on to do

more than vote against the amendment? The right hon. Baronet, too, said it was not desirable to discuss these different questions on the proposition of the Address to the Throne. Then, why did hon. Members come there at all? Why not stay away, and let the thing supposed to be done be done without them. However, as the case stood, his sole desire was, to divest himself personally of all responsibility as to the course of conduct which was about to be pursued. He believed much injury would be done to the Union with Ireland, through the feelings of the people, by their conduct to-night. He was convinced that when it went to Ireland that the House of Commons had passed over in silence the grievances of that country, Mr. O'Connell might say, "I have carried the separation of the two countries." They were playing his card. They were doing all they could to aid in the separation of the two countries. He was convinced Mr. O'Connell would think that the proceedings of that night had done more towards furthering his object than his own acts during the past year. Upon the noble Lord the Member for London the responsibility of the conduct of the Opposition rested. On him, as the leader of the Liberal party, must rest the responsibility of the course they had taken; but the noble Lord seemed to think that he could lead the Liberal party, absolutely evading the questions that were agitating the two countries—the repeal of the Corn-laws, and the grievances of Ireland. He was obliged from necessity to yield and to withhold the proposition which he had intended to make, but he did so, still thinking that the trial now going on in Dublin did not preclude hon. Members from commenting on the policy of the right hon. Baronet towards Ireland, and protesting his belief that the people of Ireland had been on this occasion deserted by the great Liberal party of this country.

Viscount *Howick* did not think the hon. and learned Gentleman who had just spoken had fairly represented the views of his noble Friend (Lord J. Russell), or of the right hon. Baronet at the head of the Government. He could not agree with the hon. and learned Member in the opinion he had expressed, that because it was not thought convenient, on the occasion of proposing the Address to Her Majesty in answer to the Speech from the Throne, to enter into a full discussion of the leading and various important questions of public policy, that therefore the Address was a mere matter of form. Now, it appeared to him that nothing could be more inconvenient than, on the occasion of proposing the Address, they should enter at large into a variety of important questions upon which much difference of opinion prevailed. His hon. and learned Friend had said, and said truly, that the present situation of Ireland was one that was calculated to inspire alarm in the mind of every man who was anxious for the peace and welfare of that country; and the whole of England (said the hon. and learned Gentleman), was scarcely less agitated on the great and important question of the Corn-laws. But if those questions were so momentous and important — as no doubt they were, he would ask the hon. and learned Gentleman and the House, whether it could possibly lead to any satisfactory result, that in one and the same debate they should discuss those two totally distinct questions, and mix up in that discussion a great number of other questions equally important and equally distinct? Her Majesty's Speech was useful as giving, at the commencement of the Session, a general view to the House of the more important business to be brought before it, and the debate on the Address was useful as giving to Members an opportunity of making remarks generally on the policy of the Government and upon the general condition of the country; but if on such occasions they were to discuss such topics as those to which the hon. and learned Member had referred, and come to a decision upon them, could it, he would ask, have any other effect than to lead to a useless consumption and waste of the public time, which would thus be occupied in discussions which could not be final, but which must be brought before the House again in a more practical shape? When, therefore, the hon. and learned Gentleman said that it was the object of his noble Friend to consign the two great questions of Ireland and the Corn-laws to oblivion and silence, he must say that his noble Friend had been most grossly misunderstood. On the part of his noble Friend he was sure, and most certainly upon his own, there was no desire to shrink from either of those two great questions. They were, in his opinion, of great and vital importance, and he would say that not an hour should be lost in bringing them under consideration; but, notwithstanding what had been stated by the hon.

and learned Gentleman, he (Lord Howick) must express his entire and cordial concurrence in what had fallen from his noble Friend, and the right hon. Gentleman, as to the extreme inconvenience (to give it no harsher term) of introducing a discussion on the important subject of Ireland pending the judicial investigation now in progress in that country. For what would be the practical effect of such a discussion? It would be impossible to debate the question of the policy pursued by the Government towards Ireland, or the measures calculated to allay agitation and give peace to that country, without at the same time, inquiring into the policy of those pending trials and the manner in which they had been conducted; and could they, he would ask, enter into any discussion of that kind without incurring the risk of appearing to be making speeches in that House, addressed not so much to those who heard them as to the jury who were to decide a question solemnly committed to them in the ordinary course of law? It was, perhaps, a necessary inconvenience of trials of this nature that they had a tendency to introduce too much of political feelings and political passions into the jury-box; and they should beware how they did anything to aggravate that inconvenience. If there was one evil more than another complained of in past times in Ireland, it was that political passions and political interests did occasionally intrude into the administration of justice. For many years this had been a reproach and a curse to Ireland: and would it now be fitting for those who wished well to that country to enter into a discussion which would have the effect of renewing that evil, and making the jury-box, even more than it formerly was, the scene of party warfare and political strife? But when those trials which were now progressing should be completed, he trusted his noble Friend would bring the subject fully before them; and he hoped the House would be impressed with its deep importance, and the absolute necessity of taking some measures, before it was too late, to rescue Ireland from the dangers with which she was now threatened. With regard to the question of the Corn-laws, it would, he thought, be equally unadvisable to enter into any debate upon it then. It was, in fact, much too large a question to be done justice to on an occasion like the present. At the same time, he could not avoid remarking upon the observations that had fallen from the right hon. Baronet. He quite admitted to the right hon. Baronet, that there were many strong objections which might be alleged to the proposal of a fixed duty on mere revenue considerations; but he still adhered to the view, that as a fair compromise between conflicting opinions on the subject, and he would say not without reference to revenue, that proposal would be in itself the best to be adopted. But if the right hon. Baronet on the one side chose to join with the determined opponents of the Corn-laws on the other in opposing the compromise of a fixed duty, he must then agree that the imposition of such a duty would be impossible. Whether the right hon. Gentleman was the best friend to the agricultural body in so determining, or whether he would be consulting their best interests in making a fixed duty impossible, which he granted the right hon. Gentleman had gone far to do, it was not for him to say. The controversy had been kept up so long, that he doubted whether, without the present unfortunate speech of the right hon. Baronet, the time for compromise had not gone by, and whether the House must not now come to a decision definitely on the one side or the other; and if the right hon. Gentleman and those who thought with him laid so much stress on the objections which had been urged against a fixed duty, it would be worse than idle to make such a proposition. The question, then to be solved would be whether the existing Corn-law should be maintained, or whether corn should be imported free? That was the point the right hon. Gentleman wished to bring matters to—that was the question he wished to bring to issue, and, when the question was discussed, he should adhere to the opinions he had uniformly held since he had first entered Parliament, and had expressed both in that House and on the hustings of an agricultural county. He adhered to that opinion, but without hesitation or a moment's delay, if he must choose between the two conflicting extremes, his choice would be in favour of the alternative of a free importation. If the right hon. Baronet should place him in that position, he would say unhesitatingly that that would be his choice. As he had already said, it would be worse than idle for those on the Opposition side of the House, when the right hon. Gentleman expressed such strong opinions as those he had declared that evening, to bring forward any proposition for a fixed duty. At the

same time, should the right hon. Baronet reconsider his opinion, and he should find there was any disposition on the part of the right hon. Gentleman and his friends and supporters to agree to what he could not but look upon as a fair and just compromise, he should for one most gladly close with the offer. He would add but a few words in declaring his most cordial and unreserved concurrence in the opinion as to the foreign policy of the Government to which the right hon. Gentleman had given expression. Like the right hon. Baronet, he thought there was no greater curse to the world at large, and to the interests of civilization and humanity, than the carrying on in every court in Europe, and in every country in the world, a party struggle between what was called the English party and the French party. He abominated the whole system of such interference; and he would say, that the more they abstained from giving advice to other countries as to the management of their internal affairs, the better. And for this reason—the representative of England or of France, or of any other great nation, accredited to another country, with the most sincere desire for the welfare of that country, might, and no doubt would, give the best advice in his power; but that advice was not always taken, and little by little he would become exasperated at those who did not look upon him as an oracle, and would favour that party who were most impressed with his superior wisdom. The ministers of France and of England might take opposite views of what was most conducive to the interests of Mexico or of Portugal, and little by little, totally contrary to the wishes of their respective governments, a sort of French and English party was created. A struggle for ascendancy between those parties resulted, and the unfortunate country where the system was carried on became the prey of factions which were occasioned, and of animosities which were embittered, by this kind of interference. He therefore joined with the right hon. Baronet in deprecating anything of the sort; and he had heard with much regret the expressions of his noble Friend the Member for Tiverton, who, adverting to the present condition of Spain, had said that under that union of interests and that good understanding to which the right hon. Baronet had referred, and that union of interests which existed between France and England, the late Regent of Spain, to whom he paid a high and well-merited compliment, had fallen from power, and that a state of military despotism, if not anarchy, had succeeded. He joined in lamenting the unfortunate state of things now existing in Spain; but while he did so, he rejoiced that the right hon. Baronet and the Government of the French King had abstained from taking any active part in preventing its continuance. He imputed blame to neither Government for what had occurred, and he only hoped that they might abstain, in like manner, from all interference for the future, and that they would leave the Spaniards to settle their own affairs for themselves, as the most likely means of restoring that country to the state of constitutional government and security of person and property which all must equally desire. It was not his intention to trouble the House further on that occasion; but after what had been said on both sides of the House, and entertaining, as he did, a strong opinion on the important points to which allusion had been made, he felt bound to express his opinion as he had done.

Mr. *Wyse* was most anxious to prevent the feeling going abroad, that the representatives of Ireland in that House were insensible to the condition in which that country stood at the present moment, or that they would lose any opportunity that presented itself of expressing their indignation at the position in which they were placed, and their anxiety and apprehension as to the dangers which now threatened this great empire. He was by no means insensible to the importance of preserving the jury-box free from the taint of party. It was his wish, and that of every one on that side connected with Ireland, that the jury should fairly try and fairly pronounce their verdict in the matters now in course of judicial investigation in Ireland; but he must at the same time strongly protest against the opinion that it would interfere with the course of justice to discuss those general questions of policy which were not for the jury but for that House to determine. Looking, however, at the present condition of the country, he, as one of the Irish representatives, was determined not to allow the debate to pass over without expressing his opinion, that at the earliest possible opportunity it was the duty of Government to bring under consideration the whole question, and that their serious attention should be directed to the dangers with which that portion of the empire was now threatened. He and others had

gone home to their constituents at the close of the last Session with feelings of grief and indignation—having no measures of improvement to offer them, but only a bill of pains and penalties; and he had returned to the House still more impressed than before with the deep conviction that Ireland could only be governed henceforth by conciliation and justice. The war of opinion in Ireland was wide spread, and hostility between parties bitter; but the House of Commons was by its conduct aggravating the evil and increasing the hostility. In a short time there would be no neutral party in Ireland. There would be none but the violent men on the one side and on the other—do what they would, in such a state of things it would be impossible to prevent collision and a war, which perhaps might be less bloody than a civil war, in which the parties were ranged against each other with arms in their hands—but a war of parties, which might be still more pernicious than a bloody war in its moral effects. The time was now come when the Government of Great Britain, or rather the right hon. Baronet (Sir Robert Peel), should state openly, whether he had given his sanction to the recent proceedings in Dublin, and also whether it were his intention that Ireland should in future be governed by tyranny or by a course of co-operation.

The *O'Connor Don* rose to express his full concurrence in what had fallen from his hon. Friend, the Member for Waterford. He had been instructed by his constituents to declare their marked disapprobation at the course which had been adopted towards Ireland—but as it seemed to be the general impression that all discussion should be postponed until the noble Lord, the Member for London, brought forward his motion on the state of Ireland, he should not interfere with what appeared to be the general understanding. His only object therefore in rising was to prevent its being supposed, that in not opposing the Address he coincided with the policy and views of the Government. If he did not express his dissent more at length he could assure the House that it was not the less felt, and he joined most heartily with his hon. Friends around him, in condemning some of those measures and views of Ministers in reference to Ireland, to which they would have other opportunities of discussing.

Mr. *M. Gibson* said the motion of his hon. Friend the Member for Rochdale simply asked the majority of the House to pledge itself to inquire into the grievances of the people, at the same that they, by agreeing to the Address, undertook to provide for the exigencies of the country and the public expenditure. It appeared to him to be both rational and constitutional, and he knew of no better opportunity for the House to guarantee to the people an enquiry into their grievances, than when they pledged themselves to impose the necessary taxes to defray the expenses of the country. If the forms of this House were attempted to be used vexatiously to interrupt public business, that attempt would be opposed by the great majority of the intelligent community, whatever their political opinion, and he was quite sure that those forms could only be used to suspend business when some unfair advantage was taken by a strong party to press business through the House improperly, and without discussion. He thought there was some force in the remark, that during a debate on the Address it was difficult to discuss particular public questions with any great effect or advantage; at the same time he considered it a fitting occasion to offer any general remarks on the state of the country, and to reply to any observations that might have fallen from the Minister of the Crown. In his opinion the earliest opportunity should be taken by the House of stating their concurrence in the recommendations and opinions of the Speech from the Throne, or of meeting the statements of Ministers by argument, and stating fairly their objections to them. In reference to what had fallen from the Mover and Seconder of the Address, he was not disposed to deny that a great improvement had taken place in many branches of the manufacturing and commercial interests of the country; but while he concurred so far with the noble Lord and the hon. Gentleman, he must qualify that concurrence by saying, that he had no great confidence in the permanence of that prosperity. He thought it was fitting Parliament should take the earliest opportunity of ascertaining what were the causes of those great fluctuations in the principal branches of industry—why at one time they should be subjected to great depression, and at another be attended with unnatural prosperity. With regard to another

subject he was glad the right hon. Baronet had taken the advice of the noble Lord, and had refused to pledge himself to the maintenance of the existing Corn-laws. The inference he had drawn from the right hon. Baronet's speech was, that he refused to yield to the entreaties of the agriculturists to pledge himself to maintain permanently the protective system. They had seen that when the right hon. Baronet had made up his mind to any particular line of policy he was ready to pledge himself to maintain it, as he had done in the case of the legislative union between England and Ireland; but he was quite sure that neither the right hon. Gentleman, nor any other Minister would, under present circumstances, or in the present state of the country, pledge himself to maintain the protective system of commercial policy, or that in speaking of the subject he should do more than say, that he had not at present any measure to propose on the subject. The right hon. Baronet had taken a most judicious course in leaving it as he had done—an open question. The right hon. Gentleman pledged himself as to the Corn-law only for a month. ["*Oh, oh!*"] Why, the right hon. Gentleman's words were, "That any alteration within a month would be attended with great disadvantage and discourage existing interests,"—that was all, and he defied the Government, or any member of it, to stand up and say, "I will maintain permanently the existing Corn-laws." He was glad the right hon. Baronet had taken that course, for though he differed from his hon. Friend (Mr. Hume) that it would be desirable for the right hon. Baronet to pledge himself, especially if it were to maintain the protective system—as the right hon. Baronet could never give effect to such a pledge; yet, looking at the great influence of the right hon. Baronet and the condition of the occupying tenants, his pledge might have a most prejudicial result to the country; for the landowners would say to their tenants, the protection on agriculture will be maintained—you may take leases at increased rents. That would be the consequence of such a pledge were it given. He hoped, however, the occupying tenants would see what an unstable foundation they had been resting upon in former times, and how dangerous it was to invest their capital on the faith that what was called protection to agriculture, would or could be kept up. He was convinced that the day would come when they would regard as their worst enemies those who would induce them to rely on protection. But he would take the advice of his friends around him, and not trespass on the House by further dilating upon these important subjects. There would be other and early opportunities for their discussion, and he would therefore only now say, in conclusion, that he hailed with great satisfaction the movement, which hon. Gentlemen opposite were taking upon themselves to conduct, for the maintenance and continuance of what they called the system of protection. If these Gentlemen thought the system was for the benefit of the landholder or for the benefit of the labourer, they did quite right to express that opinion in public. All he asked was, that in giving expression to it they should confine themselves to rational argument—to rational argument and intelligent reasoning, not allowing themselves to be betrayed into language alike abusive, scurrilous and disreputable. No one was justified in making use of such language—least of all, perhaps, was it to be justified when it was employed in the course of argument upon a vitally important question. If he was ever betrayed into violence, he was always ready to express his sorrow, and he felt convinced that others would do the same. All he asked was fair argument, conducted rationally and in an intelligent spirit, and if this were secured he felt a complete conviction that the landowners would soon be brought to a sense of the vast national importance of a system of free-trade, of its importance not only to the commercial interests of the country, but to the landed proprietors themselves, because they must share with others the general, the inevitable benefit which would follow from its establishment.

Sir *R. Peel* hoped, that it was hardly necessary for him to protest against the hon. Member's perversion of the opinions he had expressed. The hon. Member, he presumed, intended to be facetious; he saw him, indeed, smile as he spoke. The hon. Member was an advocate of the total abolition of the Corn-law within a month. He said in his speech, that if there was to be such abolition within a month, nothing but distress and confusion would take place. Upon this, the hon. Gentleman, argued, that all he had intended to convey, was, that he was not prepared to consent to a repeal of the Corn-law within a month. Now, the words he had used were explicit, and the House would not fail to bear them in mind. He had said, that if he had in-

tended to propose, or not to resist, an alteration of the Corn-law, some mention of the subject would have been made in the Speech from the Throne. He had said, that the Government had not contemplated, and that they did not contemplate, such alteration; and he had also said, that which, he believed, every one would consider it to be the duty of a minister to declare, that for the purpose of conciliating a party, he would not, on behalf of the Government, and in a matter relating to the abolition of duties, rather than involving a great principle, fetter himself to the provisions of any particular law as to a principle of eternal truth.

Mr. *Plumptre* had heard all that the right hon. Baronet had stated in his speech, and he must say, that he felt perfectly satisfied with the declaration that had been made. He felt quite sure, that that declaration would be received with much gratification in the county of Kent. With regard to what the hon. Member opposite had said about clamour, he quite agreed, that the existence of the Corn-law, was not to be determined by clamour. No such change could take place without ruin to the country, and the country was not to be ruined by the outcries of a noisy minority.

Mr. *Brotherton* said, that in voting for the amendment of the hon. Member for Rochdale, he wished it to be understood, that it was simply with a view of expressing his desire that the grievances of the people should be inquired into and redressed, and not as sanctioning any attempt by factious opposition to stop the supplies. He had been asked by some of his constituents to vote for the amendment, and he had inquired of those who waited upon him, whether they meant that a small minority should waste the time of the House of Commons during the Session by fruitless endeavours to frustrate every measure in order to gain an object, respecting which, the public were as much divided in opinion as the House? "You would be the first," he had said to his constituents, "you would be the first, I am sure, to object to such a course, and to blame me for delaying really useful business." Besides, he did not think that the amendment itself was the best means of attaining the object the hon. Mover had in view. As he was up, he would take leave to say a few words on the Corn-laws. He was ready to admit with the seconder of the amendment, that there had been some improvement in certain branches of manufacturing industry, but he had reason to apprehend that that improvement would not be of long continuance after the declaration the right hon. Baronet had made that night. The right hon. Baronet's declaration must cause dismay and alarm to the whole manufacturing interest. He confessed that he did not draw the same inference from the speech of the right hon. Baronet as his hon. Friend the Member for Manchester. He had understood, from the cheers of hon. Members on the other side of the House, that the right hon. Baronet did intend to persist in the sliding-scale; and that a fixed duty would not be proposed by him. He wished the country to understand who were its masters, that the manufacturing industry would be loaded to the last feather; and that when the landed interest made a concession, it would be when the manufacturers were not quite starved to death. Their making any concession showed that they understood the principle. The speech of the hon. Gentleman who seconded the Address, would do away with the fallacy that the manufacturers sought to reduce wages by lowering the price of bread. When the price of bread was lowered, it was now admitted that wages advanced, and that there was an improvement in the home trade. He had seen the circulars alluded to, showing that the home trade was improved when provisions were lowered, and that when food was dear wages fell, and the home trade was injured. When provisions were low the revenue prospered, because, as the noble Lord the Member for London had shown, the people had more to lay out in articles paying excise duty. All these were admitted facts by Gentlemen opposite; yet, notwithstanding that it had been proved that protection did not benefit the labourers; that it did not benefit the farmers, but only the land-owners; those who made the laws, at last came boldly out and told the people they were determined to maintain protection for their own benefit. He was glad that the right hon. Baronet had spoken out, because he had conceived that more delusion would have been kept up in the country as to what the right hon. Baronet would do. He had now declared for the present scale of protection. So long as this country consumed 3,000,000 quarters of corn more than was grown in it there would necessarily be an advance in the price of food; for not a bushel of corn would come in under the 20*s.* sliding-scale, till there had been a considerable

advance; the agricultural improvements now going on would not wholly supply this quantity; and if there was a bad harvest, what was to become of the people? Were they determined to keep the protection at the sacrifice of the lives of the people, and the sacrifice of the commerce of the country? For himself he would use every endeavour to get rid of a law which he knew to be unjust—which in his conscience he believed to be impolitic, which was at once most abominable, and contrary to every principle of humanity. He now saw the hon. Gentleman, the Member for Lincolnshire in his place; and he had recently read in the newspapers a speech delivered in that county, in which it was said the best way to treat the hon. Member for Stockport, if he came into Lincolnshire, was to throw him into the river. "You then," exclaimed the hon. Member, "do not hesitate to sanction assassination." Mr. Chaplin, who uttered those sentiments was, as he had been informed, a large landed proprietor, who owned some 20,000 acres of land, which within the present century were not worth more than 1*s.* an acre, but were now worth 20*s.* to 25*s.* What protection had the labouring man for his labour? None: yet here was a man owning 20,000 acres who could not live without protection. Hon. Members had tried formerly to show that protection benefitted the labourers and the farmers, and it now clearly appeared that it only benefitted themselves. The law was unjust; the country would see it was unjust; hon: Gentlemen opposite had the power, and as long as they had the power they would keep the protection, but he hoped it would not be long before the people would send others who would take away that power.

Mr. *C. P. Villiers* said, that there was much force in the observation of the hon. Member for Bath, that if they were precluded from making any observations on the omissions in the Speech and the Address, as well as what was inserted, it was but an idle form for hon. Members to attend on such occasions. He thought his hon. Friend, the Member for Montrose, had done good service by making his amendment. It tended to promote discussion on matters most important to the country. The only reason why he (Mr. Villiers) did not move the amendment, or second it, as he had been requested to do, was, that as it was his own intention to bring the subject of the Corn-laws in a distinct form before the House, he did not think the present altogether the most judicious, or the fairest way of discussing the subject, and because he considered, that as the attention of the constituencies had been greatly directed to this subject, the discussion ought not to be brought on without such ample notice being given on the subject as should afford them time to communicate with their Members, and should also afford time to that great and useful combination, to spread more of that information connected with the subject, which it had been doing with so much effect, and the fruits of which, he trusted, would be visible in the next division. In his opinion, it was most important that this subject should be further discussed out of doors; and, in fact, he believed, that it must be carried out of the House before it could be carried in it. If he had had doubt before on that matter, it had been removed by what had occurred that evening, because, if anything had been elicited by that discussion, it was, that the right hon. Baronet, at the head of the Government, could not, consistently with his own opinion and judgment, maintain the present restrictive system, and that under present circumstances he could not abandon it; that was the position of the present question; the right hon. Baronet felt that he could not maintain it consistently with the well-being of the masses of the community, and yet from the nature of our constitution, and with the opinions of the Legislature, he was unable to abandon it. Who the persons were, who composed the majority of the Legislature in both Houses of Parliament, had been depicted by the noble Lord the Member for London. The noble Lord's view of the character of that body—and let them mind it was not the description of any Radical or person of extreme opinions—was that a majority of both Houses of the Legislature were pecuniarily interested in the question. This had been often said, and often denied in that House, but he (Mr. Villiers) asked if it was not true, and whether the noble Lord had not properly described them? He believed it had been the case ever since the revolution of 1688, since which time the aristocracy had completely governed the country, in fact it was not the Queen's Government, not the Government of the people, but the Government of the landed proprietors and of no others, and the Ministers appointed to rule this country,

considered themselves alone amenable to that aristocracy. It was not wonderful then, considering the importance men attach to power, that the right hon. Gentleman should say that he was not prepared to give up the restrictive law, when, if he did not maintain it, the landed proprietors would not allow him to maintain his place. By taking them by surprize he may have been suffered to make some slight alterations in the system—but his government could not last a week—certainly not a month—if he came forward in his place in that House and stated that the protective system under which the people had suffered and would continue to suffer so much was to be abandoned. This was the justification for the combination to which he had alluded going before the electors, and throwing the responsibility upon them for injury done to the country to the extent it had been. He said that the protective system was the most important subject that could be agitated; upon that system everything turned; it affected the commerce, it affected the revenue, and it affected the physical condition of the people. That system, if they could judge from their outward manifestations, the landed proprietors were determined to maintain, although it could not be upheld consistently with the good order or with the well-being of the country. These demonstrations were it seemed now sanctioned by the right hon. Baronet, but he knew that this did not make a bad system a good one, nor did he think that they were likely to do much harm while the Government through some of its organs were holding very different language. He found some of these arguments in a publication which professed to be the organ of the Government, in a work which was known to be patronised by the right hon. Gentleman the President of the Board of Trade (Mr. Gladstone); and if he (Mr. Villiers) was not mistaken, the article itself must have been written by the right hon. Gentleman. In this article the system of restriction was reviewed; and let them see whether those who opposed it were the incendiaries and the dangerous persons they were represented to be. It was well to know which was right, although gentlemen opposite were strong. The Government were claiming credit for an improvement in the general condition of the country; but they had not heard any reason assigned for this. What were the causes of these fluctuations? The whole question was discussed in the work just published. It entered into consideration of the commercial policy of the Government, which had consisted in diminishing the protection which existed before, and lowering the duties in the tariff; and reasons were given why this policy should be recommended and continued. The subject was treated under six heads—its effects upon the happiness of the people—its effects upon the extension of trade—its effects upon the demand for employment—its effects on the shipping interests—its effects on the national revenue—and its effects on the agriculturists; and under each head every reason which had been assigned by those who called for the repeal of the Corn-laws was put forth, and every consequence as likely to arise from the adoption of free-trade was admitted, as well as the good which had partially arisen from the alterations already made; and yet they were to be told, that we were liable to so heavy a debt, and living under such an artificial system, that it would be impossible further to reduce the tariff duties. First, this article said of the effects of free-trade upon the happiness of the people—

"By the reduction of the duties upon the importation of corn, cattle, timber, wool, silk, provisions, vegetables, raw materials, and manufactured articles, the people will be enabled to obtain cheaper food, clothing, dwellings, furniture, and other advantages. These effects have not been instantaneous and immediate upon the passing of the new laws. It was impossible that they could be so. They can only be brought about gradually; but they are, at the same time, certain and inevitable. They have been already experienced to some extent, and will continue to be more so, in correspondence with the increase and prosperity of trade. Whatever tends to increase the supply of food and the necessaries of life—to make them more cheap and abundant, and more attainable by all classes—must also tend to promote and advance the general happiness of the people; and upon the happiness or contentedness of the people must, more or less, depend the general prosperity and security of the State. In reference, therefore, both to the tariff and the Corn-laws, the present Government have an especial claim upon the gratitude and support of the country."

Next, as to its effects upon the extension of trade, it says—

"The reduction of duty is calculated to produce a general reduction of prices. And the consequence usually attributed to reduced prices is an increased consumption. The im-

mediate effect of increased consumption is to advance and increase trade. Both our domestic and foreign trade will be increased in consequence of reduction of duty. The prosperity and adversity of different trades depend so much upon each other, that what tends to advance or depress one department, will come in time to affect, in a corresponding degree, every other. Whatever, therefore, increases or facilitates the means of consumption, especially of the essential or necessary articles of subsistence and use, by raising a demand for them, will stimulate and advance the trade under which they are produced; and every improvement in one branch of trade, or the circumstances of those connected with it, will improve every other trade to which it is related, and the circumstances of the parties depending thereon. Thus in respect to our foreign trade, speaking generally, an increased consumption of foreign articles will lead to an increased demand for the different articles of manufacture which we export."

Now, as to the increased demand for employment, it would occasion

"An increased consumption both of domestic and foreign produce must not only improve and extend trade, but, in order to furnish the enlarged supplies necessary for exportation, will increase the demand for labourers, and thus render employment more general and remunerative among the labouring population."

Then it would increase the profits of the shipping interest:—

"The increase of our foreign and colonial trade will necessarily occasion a greater demand for ships. They are indispensable for the conveyance of all our articles of merchandise, our exports as well as our imports; and these additional ships must be manned, provisioned, and furnished with all the varied articles indispensable to their safe and efficient navigation. In the supply of these articles various trades must be brought into activity, and therefore an improvement in the shipping trade will necessarily occasion an improvement in other trades more or less dependent upon the shipping interest."

Now for its effects upon the agriculturists:—

"The wide-spread alarm which seized the minds of the agriculturists, cattle-dealers, and graziers, upon the first announcement that one portion of the tariff would materially facilitate the importation of live cattle from foreign countries, and consequently tend to diminish the price of food, has at length given place to more settled and correct opinions as to the manner and extent in which they will be affected. The money value of rents will in all probability, fall. It is, in fact, difficult to understand how the present rents will be long maintained. But this reduced sum, if spent at home, will purchase a larger quantity of commodities, and of luxuries, corresponding to the general fall in prices. The interest of money, there is also every reason to believe will continue to be low, and hence the interest paid on mortagages will be less. The extensive improvement in trade which must sooner or later follow these enlightened measures, must be largely participated in by the agricultural interests, and therefore, instead of having any cause for discontent or apprehension, they have everything to hope for from the increase and extension of general commerce. Such are a few of the advantageous effects which the enterprising policy of the Peel Government, founded upon the great measures of commercial reform to which we have alluded, is calculated to produce."

These were the doctrines put forward in a *Review*, under the especial patronage of the right hon. Gentleman the President of the Board of Trade—*Foreign and Colonial Review*. He had some information upon this subject, and he would only refer the House to the fact that, during the last Session, the right hon. Gentleman was charged with writing a particular article in the same review; and it had not been denied by the right hon. Gentleman. He (Mr. Villiers) asked, then, whether this was not trifling with the people? He asked, whether, in the condition of the whole community, the restrictive system was to go on? They all knew, that the population went on increasing; there was an extent of distress and destitution, which ought to shock every man of common humanity. Although it was said, that the distress was diminished, he had never before read such descriptions of destitution as every day met their view. It was perfectly horrid to find women destroying their own offspring because they could not endure to see them starve, to find the people hurrying to gaol because they were better off there, than in their own houses. Here was a work published under the sanction of the right hon. Gentleman the President of the Board of Trade, to show, that the adoption of a different system, would extend the comforts, and provide for the necessities of the people; yet they had been told that evening, that there was no chance of having the present system altered; that, whatever might be the consequences to the people, there had gone forth a decree from the landed interest that if there was the slightest change in the system, the least alteration, or if the protection was to be in any way diminished, the Ministers

would not be allowed to retain their places. It might be said, that this always had been the practical working of the constitution, and such intimations might have been privately given to the Minister, but he had never before known any thing so indecent or haughty, and so dictatorial, as he had recently heard uttered at public meetings. That a Minister should be openly threatened with expulsion, if he did not do what was most injurious to the community at large, unless he maintained such a system as would put most rents into the pockets of the great dictators themselves. Noble dukes gave the sign, and the squireens followed. There was not a term of abuse which was not lavished on the right hon. Baronet. He (Mr. Villiers) had no desire to see the right hon. Gentleman removed from his present place, if this system was still to be administered, no one could doubt either his competency or his capacity, his only regret was, that the right hon. Baronet had not, if he might use the term, the spirit to turn round upon these people, and show them their utter helplessness without him, their utter inability to administer without him the Government upon their own system. With all their rank, and property, and pride, they were obliged to fall back upon those who had talents and experience, and capacity. If the right hon. Gentleman had the courage to adopt the system which he himself believed to be sound, he would rally the people to his support, and he would do more than by any other means to establish a high reputation for himself, which he represented as alone making office valuable to him. Those who had the power to prevent his now doing this, had not the capacity to form a Government. Let them attempt themselves to carry out their own views and see what would become of them. Who were the victims of all this timidity on the one side, and of avarice on the other; of this attempt to maintain a consistency for a month or a year on the one side, and of a struggle to retain that to which they had no right, on the other? It was the people. Could they wonder, then, that the hon. Member for Rochdale should seek to stop the supplies when those crying grievances existed, without a hope of redress? Was his hon. Friend, the Member for Stockport, to be blamed when, with this before him, he was labouring from morning to night, not going to the extreme means of the hon. Member for Rochdale, but trying to influence opinion, so as to compel the House as at present constituted to do justice to the people? Had they any right to blame him, or could they wonder at the organization of which he was the head? They knew that evils existed, for which it was now hopeless to expect redress; these were the justifications for his exertions, and with those evils existing, if it were thought that by stifling discussion upon them they could make them less felt, in his opinion a greater error could not be committed.

Mr. *W. E. Gladstone* had been unwilling to interrupt the hon. Gentleman, but he now wished to correct one misconception. He had understood the hon. Gentleman to make quotations from an article in a periodical publication, the authorship of which the hon. Gentleman had been pleased to ascribe to him. Now, he was not the author of that article, he did not know whose article it was, and he had never read a line of it.

Sir *John Hanmer* said, the hon. Member for Wolverhampton had spoken wrongfully, when he urged the distressed condition of the people as if it were disregarded; for he never spoke of it without striking upon a chord, which vibrated strongly in the hearts of every Member on that side of the House. On no occasion could the charge be brought against the landed proprietors—no matter whether they might be considered right or wrong in their views on political economy — that they were regardless of the interests or callous to the sufferings of their poorer fellow-countrymen. Such an imputation was altogether untrue. It was an imputation which could be rebutted by almost every act of every gentleman who came forward in public life connected with the landed interest. The sources of those fluctuations of prosperity and adversity which the hon. Member for Manchester thought it so desirable should be investigated by Parliament, were in his humble opinion by no means difficult to be discovered. The manufacturing interests of Great Britain depended to a great extent on their trade with foreign nations; and it was upon the principles, or upon the conditions of our foreign trade, that the vicissitudes of which the hon. Gentleman complained, greatly depended. Those principles were ably discussed in a late number of the very publication to which the hon. Member for Wolverhampton had alluded; but not in the sense in which that Gentleman and his associates usually spoke and acted. They were advocates for

an immediate and entire abolition of all import duties on foreign corn, without any reference to the amount of duty which those foreign nations from whom that corn was obtained thought fit to impose on articles of English commerce; but he would put it to any man whether such import duty levied by other countries, on articles of English manufacture, must not operate very sensibly on the value of the productions of this country, and tend more or less to produce those depressions, from one of which he was sorry to say the country had so lately suffered, and was but now recovering. Gentlemen talked of free-trade, and free-trade was a very good thing; but he should beg to deny that it could be called free-trade to admit the productions of another country duty free, while they altogether disregarded the impediments which that country placed in the way of the exportation of English productions. If they allowed another nation to tax them by imposing duties on their manufactures, while they admitted the productions of that nation duty free, he distinctly denied that was free-trade. Nevertheless, he knew there were many persons who were inclined to disregard the imposition of all import duties, who said their burthen lay on those who imposed them; and he was very far from saying that a combination of circumstances might not arise in which it would be prudent for them to exercise their judgment in imposing very low or moderate duties; but he denied that the existence of those circumstances could be shown by Gentlemen opposite on the present occasion. He would not, then enter more at large into the subject; because there would be many direct opportunities for fully debating that important question; but he could not allow the present time to pass by without expressing his sincere and earnest hope that the right hon. Baronet at the head of her Majesty's Government would not fail to follow up the policy which he had recommended in the last Session to Parliament of rendering the colonies integral parts of the mother country. He thought they might at all times act upon the principles of free-trade with their colonial dependencies, for they would not in their instance have the same difficulties to contend against which they would have to expect in their relations with independent states. That subject was still more deserving of attention because, from the vast extent and the great variety of the climate in the colonies, there was scarcely any article of commerce which they might not expect to have produced in some one or other of them. He hoped they would, at the same time, not disregard their connexions with foreign countries, but that they would be at all times ready to take every opportunity of extending justly and wisely the foreign trade. But however this might be, the constant endeavour of every Government ought, in his judgment, to be to concentrate the energies of their colonies, and thus increase the efficacy of English labour at home and abroad. Who was there that forgot the summer and autumn of 1842, when Lancashire and Yorkshire were turned out into the streets, and hundreds of thousands of once industrious artizans, stood displaying their misery, and calling for a fair day's wages for a fair day's work. He trusted that the justice of that demand would be always allowed in this country, would never be obliterated from the mind of any man who had the honour of a seat in that House; he who forgot it was unworthy to be the representative of any constituency, or to speak in the name of the people, or to cross the threshold of the House of Commons. It was a just demand that the people made, and one which was in the power of Parliament to fulfil. The efficacy of English labour could be maintained by Parliament, but in the present temper of foreign nations, it might best be maintained, by looking to those communities which did not place hostile duties upon our productions; and he trusted that Parliament would not lose sight of them, if it would discharge the duty it owed to the daily augmenting claims of the industry of the country. Generally he concurred in the Address—and should not have delayed its adoption by any discussion of its topics, direct or incidental, if it had not been for the speeches of the Members for Manchester and Wolverhampton.

Mr. *Scarlett* thought it strange that the very first time this Session at which a Member of the Anti-Corn-law League had addressed the House, he had misrepresented the right hon. Gentleman. He congratulated every true lover of his country, that the misrepresentation had been set right, because it was a matter of great importance that all pretence should be taken away from the Anti-Corn-law League of misrepresenting the right hon. Gentleman. These misrepresentations, not accidentally, but designedly made, were the stock in trade of the Anti-Corn-law League, and had carried throughout the country

a great amount of discontent. The outlay upon land had been impeded by those misrepresentations, and the country was now in a state of vexation arising from the conduct of that body, which was very difficult to be imagined by those who had not witnessed it. As the mention of that body had been introduced in that debate, he would take the first occasion to say that he was astonished that they should exist in any country. It was inconsistent with the existence of any government, that a body of men should combine for the purpose—the avowed purpose of interfering—of a general interference with the election of Members of Parliament. If it were a gross breach of the privileges of that House for a Peer to interfere in an election, how much more was it criminal for a conspiracy of men to raise money to practise a general interference in the election of Members of Parliament. It was a great breach of the privileges of that House, and inconsistent with all Parliamentary usage. He never knew any such body before, nor could such a body exist consistently with the public safety. There was another point. It was calculated to sow dissension amongst all classes of the country, intimidate the Legislature, and unsettle the public mind upon the great questions lately settled by Parliament, as well as to throw contempt upon the authority of Parliament. He thought, moreover, that the authors, the promoters, and the subscribers to this League, taking to itself, as it did, a sort of dictation to the country, ought to be regarded as a great criminal conspiracy, deserving of every discouragement and mark of displeasure.

Mr. *Muntz* should not discharge his duty to his country if he were to allow the speeches of the noble Lord, the hon. Member, and the right hon. Baronet to pass without comment. He came there it seemed to learn of the prosperity of the country. It was strange that he always heard a better report of his own business and the business of his neighbours anywhere but at home. Whatever improvements there had been—and he wished to concede all—not one single article had advanced in price at that moment, and in many instances, there had been a reduction. The question of employment was a question of profit. The middle class of tradesmen were made the vehicles for feeding the lower classes, and he was willing to concede to the latter all that he could, for he was gratified that their condition was improved—but it was far from satisfactory to those who employed them to be the mere vehicles for employing them, and he would advise the hon. Baronet not to crow before he was out of the wood. Let the employers have an advance in price—let them see how their foreign trade would bear the prices, and no one would rejoice more than he should that both men and masters should be well and profitably employed. A good deal had been said about the revenue, but it was right that it should be properly understood. He did not so much object to the property tax, because he thought that the right hon. Baronet should in any way relieve the country from the financial difficulty in which it was placed, and he had both voted and spoke in favour of that tax; but when he looked at the sum raised by that tax and the Chinese money, he did not see any corresponding improvement in the original sources of revenue. If he made a profit and loss account of it as a matter of business, he should carry the six millions to the credit of the capital of the concern, which ought to be taken as a debt owing. Now, making an allowance for the property tax and the Chinese money, and allowing for loss by the tariff, where was the *bonâ fide* profit in the revenue? He doubted whether the country was in a state of so much prosperity, and he cautioned the Government that they had nothing to boast of. The noble Lord and the right hon. Baronet knew little more than they were told of; he had no doubt they believed all that they were told, but he had some little doubt whether their information was correct or not. His own knowledge was very extensive on the subject; he had information from all parts of the world, and he could only say, that matters were so nicely balanced that a single two-and-a-half per cent. would destroy all the export trade which the manufacturers and merchants had. He would advise hon. Members to be more cautious in speaking of the prosperity of the country without better grounds, and whenever it was proved to be permanently established no one would more cheerfully join the Government in proclaiming it than he would.

Mr. *Mark Phillips* thought it not true that we were in a state of great prosperity, although there undoubtedly had been an improvement since the House last met; but if they looked for the time at which

the lowest prices prevailed in the borough which he represented (Manchester), he believed they would find that prices were never so low as at the end of 1842. The fact was, there had only been an improvement since the month of July. There were however, undoubtedly evidences of improvement of a gradual, and he was once inclined to hope, of a permanent nature; but this had arisen, he was afraid, more from extra employment, than from any cause which was likely to be permanent. He thought the low price of provisions formed one cause of improvement; it was at least a great advantage to the labouring class, and he wished the Legislature would take measures to secure permanent low prices of provisions for them. But it was a most important consideration for those who had lately been suffering so much that they were told that they were not to look to the right hon. Baronet for any amelioration. He feared that declaration would have a bad effect; that it would have the effect of lowering the prices of manufactured articles. On the other hand, he was assured from his acquaintance with the midland counties, that we could not expect many months to pass over our heads without a rise in the price of corn. He could not, therefore, look forward so confidently to permanent prosperity, in this respect, as many hon. Members. With respect to the cotton trade, any rise of price in the raw material in this country, would lead to serious disturbance of our foreign trade. Cotton was now from $\frac{1}{2}d.$ to $\frac{3}{4}d.$ per lb. higher in this country than abroad, and we could not therefore hope to compete with foreigners, until there was an equalisation in the prices here and elsewhere. He had been in hopes there would have been such an advance on the price of the manufactured article as would have enabled the manufacturer to share the advance of his profits with the labourer, but he had been disappointed, and he therefore warned hon. Members not to take such views as would lead them into a course of hurried legislation on the ground of our permanent prosperity. With respect to trade with China, he must take leave to warn those who are engaged in trade with that country, as he before had done in that House, to exercise caution in their proceedings. He thought there was too much speculation abroad already; he hoped he might be mistaken. That, however, was his opinion; but the consequence of large shipments of goods to that country must be that some reduction in the duty on the article which we received in return must be made, if they were to be profitable; and he should have heard with great satisfaction that it was intended to make a fair reduction on that important article and on sugar, as the two might be taken together and considered as necessaries of life in this country. The two questions were connected, and they must reduce the duty on one, if they wished for an increase in the consumption and produce to the revenue of the other. He could only say, that he could not at present induce himself to believe that there was a likelihood of permanent prosperity. They had yet to deal with articles that had hitherto been tenderly dealt with, and unless a change was made in the great articles of importation, effects which they had before deplored would again return; but if the House dealt with those questions of sugar and corn, he thought the country would be placed on a footing of commercial prosperity that would affect the interest of the whole community. With reference to the amendment of the hon. Member for Rochdale, he must say, that having listened to his argument for stopping the supplies, still he was not prepared to follow such a course, although he had been urged to it by a great number of his constituents.

Mr. *Hindley* said, that, having listened to the speech of the hon. Member for Rochdale, he had been prepared to vote with him, without having any idea that the hon. Gentleman had asserted his intention of moving to stop the supplies. As to the speech of the hon. Member for Clitheroe, he considered it more able than innocuous, and calculated to prove dangerous to the country from the false impression it conveyed of the existing state of affairs. He admitted that things were better than they were a year ago. He admitted that there was a greater demand for labour, and that manufacturing capital was better remunerated than it was then; but, with respect to the former, the noble Lord the Member for London had explained the reason. He had shown, that because the price of food had diminished, the working classes were able to spend that on their backs which they formerly spent on their stomachs; and when it was recollected, that for every shilling that wheat fell

in value, the working classes spent on manufactures a million, which they had previously required for food, the change that had taken place could be easily accounted for. Now, as regarded our foreign trade, he held in his pockets letters, showing that gentlemen connected with the export trade in Manchester were working without any profit. One house during the last twelve months had been working without a farthing of profit, another for the last three months, and if they looked to the Manchester journals, they would see that there was an utter stagnation of trade owing to the uncertainty of the present prices. His hon. Friend the Member for Manchester had alluded to the speculation in the raw material, and the hon. Member for Clitheroe said, "Yes, notwithstanding the high prices, notwithstanding the advance in the raw material, manufacture went on and capital was forthcoming." Now did not hon. Gentlemen know that manufacturing firms could not stop their mills and works without considerable loss. As to speculation in cotton it could not be prevented; but he complained that the influence of the sliding-scale—that darling scheme of the right hon. Baronet—was the cause of this speculation, and occasioned the position in which Manchester then stood. In 1838 there was a bad harvest, and consequently agents were sent on the continent to get food; he met one of them going right and left to purchase food. These agents were unable to exchange our manufactures for food, and were obliged to take gold out from this country to make their purchases. The consequence was a great fall in the price of our manufactures, and the ruin of many an honest capitalist and many an honest manufacturer. Things were brought to extremities, as things always were under artificial arrangements, prices went below their level, but they were now recovered from that artificial state. A reaction had now been produced, and they had a plethora of money at the present time, and they did not know what to do with it. Men rushed into the Liverpool and American markets and raised the prices 50 per cent., artificially and contrary to all principles of common sense. He asked the right hon. Baronet opposite to tell him what a prudent man ought to have done during the past six months. Ought he to have bought cotton? In the Address to her Majesty something was stated about the Bank of England. Now, he wanted to know whether the Bank of England would encourage this dangerous system? The present system of gambling ought to be discountenanced; they ought to put down the gambling tables in Liverpool which affected millions of honest men. We had been called a nation of shopkeepers, a name of which we ought to be proud; but let us not be designated henceforth as a nation of gamblers. No, let trade be conducted on principles of honesty and common sense, and he was persuaded that, relying upon the resources, the industry, and the enterprise of this great empire, they would finally attain success.

Mr. *Fielden* thought the amendment of the hon. Member for Rochdale was not an improper one. What was to be done in the variety of opinions broached in that House? On the one hand, there were the Members of the Anti-Corn-law League, who told the House that, unless the Corn-laws were repealed, the prosperity of the manufacturers, now boasted of, would soon cease; and, on the other hand, the right hon. Baronet told them, that if the Corn-laws were immediately repealed, ruin and confusion would ensue. Who, then, was to decide between these parties? One party spoke for and represented the landed interests, while the other represented an immense portion of the wealth of the country, as evidenced by the amount of subscription raised in furtherance of their cause. This, then, was one of the grievances to be inquired into by the House itself, and it was only one of the grievances. Petitions after petitions had from time to time been presented from the people, setting forth the grievances under which they suffered, and which were still unredressed. The people complained that not one out of every seven of the whole male population had any voice in the representation of the country, and yet that they were taxed. They seek also to have a fair day's wages for a fair day's work, and, unless this was secured to them, there would be nothing in the land but discontent and dissatisfaction; and, unless also the existing agitation in the country was put an end to, all confidence would be destroyed. Let these grievances be inquired into and some remedy be provided, and then, and not till then, let the supplies be gone into. On all these grounds he had great pleasure in supporting the amendment of his hon. Friend the Member for Rochdale.

Mr. *S. Crawford* said, that he felt he had been rather called upon by the observations of some of his hon. Friends behind him, to offer some explanation as to the course of proceeding he intended by the amendment he proposed. He had no intention whatever of proceeding to stop the supplies by any vexatious adjournment; his object was this,—that by moving amendments on supply, he should bring some substantial grievance under discussion. Such was the outlines of the course he intended to pursue, and those Members who might now vote for his motion would not be pledged to any future proceedings he might adopt.

The House divided on the question, that the words proposed by Mr. Crawford be inserted.—Ayes 29; Noes 285:—Majority 256.

List of the AYES.

Barnard, E. G.	Hume, J.
Bernal, Capt.	Johnson, Gen.
Blewitt, R. J.	Plumridge, Capt.
Bodkin, J. J.	Ricardo, J. L.
Bowring, Dr.	Roebuck, J. A.
Bright, J.	Thornely, T.
Brotherton, J.	Trelawny, J. S.
Cobden, R.	Villiers, hon. C.
Collett, J.	Wakley, T.
Currie, R.	Warburton, H.
Duncombe, T.	Ward, H. G.
Elphinstone, H.	Williams, W.
Fielden, J.	Yorke, H. R.
Gibson, T. M.	TELLERS.
Gisborne, T.	Crawford, S.
Hindley, C.	Wallace, R.

List of the NOES.

Ackers, J.	Bell, M.
Acland, Sir T. D.	Bentinck, Lord G.
Acland, T. D.	Beresford, Maj.
A'Court, Capt.	Berkeley, hon. C.
Alford, Visct.	Blackburne, J. I.
Allix, J. P.	Blakemore, R.
Antrobus, E.	Boldero, H. G.
Arbuthnott, hon. H.	Borthwick, P.
Arkwright, G.	Botfield, B.
Astell, W.	Bradshaw, J.
Attwood, M.	Bramston, T. W.
Bagot, hon. W.	Broadley, H.
Bailey, J.	Browne, hon. W.
Bailey, J. jun.	Brownrigg, J. S.
Baillie, H. J.	Bruce, Lord E.
Baird, W.	Bruen, Col.
Balfour, J. M.	Buck, L. W.
Bankes, G.	Buckley, E.
Baring, hon. W. B.	Buller, Sir J. Y.
Baring, rt. hon. F. T.	Burrell, Sir C. M.
Barneby, J.	Busfeild, W.
Barrington, Visct.	Butler, P. S.
Baskerville, T. B. M.	Campbell, J. H.
Beckett, W.	Cardwell, E.
Castlereagh, Visct.	Greene, T.
Chapman, B.	Gregory, W. H.
Charteris, hon. F.	Grimsditch, T.
Chetwode, Sir J.	Grimston, Visct.
Childers, J. W.	Halford, H.
Cholmondeley, hon. H.	Hamilton, J. H.
Christopher, R. A.	Hamilton, G. A.
Chute, W. L. W.	Hamilton, Lord C.
Clayton, R. R.	Hanmer, Sir J.
Cleik, Sir G.	Harcourt, G. G.
Clive, Visct.	Hardinge, rt. hn. Sir H.
Cochrane, A.	Hawes, B.
Colebrooke, Sir T. E.	Heathcote, Sir W.
Collett, W. R.	Heneage, G. H. W.
Compton, H. C.	Henley, J. W.
Connolly, Col.	Henniker, Lord
Coote, Sir C. H.	Hepburn, Sir T. B.
Copeland, Ald.	Herbert, hon. S.
Corry, rt. hon. H.	Hervey, Lord A.
Courtenay, Lord	Hillsborough, Earl of
Cripps, W.	Hinde, J. H.
Curteis, H. B.	Hobhouse. rt. hn. Sir J.
Darby, G.	Hodgson, F.
Davies, D. A. S.	Hodgson, R.
Denison, J. E.	Holmes, hon. W. A'C.
Denison, E. B.	Hope, hon. C.
Dickinson, F. H.	Hope, A.
Divett, E.	Hope, G. W.
Dodd, G.	Hornby, J.
Douglas, Sir H.	Horsman, E.
Douglas, Sir C. E.	Hotham, Lord
Douglas, J. D. S.	Howard, hon. C. W. G.
Douro, Marquess of	Howard, P. H.
Dowdeswell, W.	Hussey, A.
Drummond, H. H.	Ingestre, Visct.
Duffield, T.	James, Sir W. C.
Dugdale, W. S.	Jermyn, Earl
Dundas, F.	Jocelyn, Visct.
Dundas, D.	Jolliffe, Sir W. G.
Du Pre, C. G.	Jones, Capt.
Eaton, R. J.	Kelly, F. R.
Ebrington, Visct.	Knatchbull, rt. hn. Sir E.
Egerton, W. T.	Knight, H. G.
Egerton, Sir P.	Langston, J. H.
Eliot, Lord	Lascelles, hon. W. S.
Emlyn, Visct	Law, hon. C. E.
Escott, B.	Lefroy, A.
Estcourt, T. G. B.	Legh, G. C.
Evans, W.	Leslie, C. P.
Fellowes, E.	Leveson, Lord
Fitzmaurice, hon. W.	Liddell, hon. H. T.
Flower, Sir J.	Lincoln, Earl of
Follett, Sir W. W.	Lindsay, H. H.
Fox, S. L.	Lockhart, W.
Fuller, A. E.	Long, W.
Gaskell, J. Milnes	Lowther, hon. Col.
Gladstone, rt. hn. W. E.	Lyall, G.
Glynne, Sir S. R.	Lygon, hon. Gen.
Godson, R.	Macaulay, rt. hn. T. B.
Gordon, hon. Capt.	Mackenzie, T.
Gore, M.	Mackenzie. W. F.
Gore, W. R. O.	Maclean, D.
Gore, hon. R.	M'Neill, D.
Goulburn, rt. hon. H.	Mainwaring, T.
Graham, rt. hn. Sir J.	Mangles, R. D.
Granby. Marq.	Manners, Lord C. S.
Greenall, P.	Manners, Lord J.

March, Earl of
Marshall, W.
Marsham, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Morris, D.
Mundy E. M.
Neeld, J.
Neville, R.
Newdegate, C. N.
Nicholl, rt, hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A, S.
Ossulston, Lord
Oswald, A.
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Philips, M.
Plumptre, J. P.
Pollington, Visct.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pryse, P.
Pusey, P.
Rawdon, Col.
Reid, Sir J. R.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Rose, rt, hon. Sir G.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Smyth, Sir H.
Smythe, hon. G.
Somerset, Lord G.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Stuart, H.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tufnell, H.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Col.
Waddington, H. S.
Walsh, Sir J. B.
Wilbraham, h B.
Wilde, Sir T.
Wilshere, W.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

Mr. Hume then moved his amendment, on which the House again divided :—Ayes 49; Noes 235 :—Majority 186.

List of the Ayes.

Barnard, E. G.
Berkeley, hon. C.
Bernal, Capt.
Blewitt, R. J.
Bodkin, J. J.
Bright, J.
Brotherton, J.
Busfeild, W.
Butler, P. S.
Chapman, B.
Childers, J. W.
Christie, W. D.
Cobden, R.
Colborne, hn.W.N. R.
Crawford, W. S.
Duncombe, T,
Dundas, Adm.
Dundas, F.
Dundas, D.
Elphinstone, H.
Evans, W.
Fielden, J.
Gibson, T. M.
Gisborne, T.
Granger, T. C.
Hastie, A.
Hawes, B.
Hindley, C.
Johnson, Gen.
Marshall, W.
Mitchell, T. A.
Murphy, F. S.
Napier, Sir C.
Pattison, J.
Plumridge, Capt.
Ponsonby, hon. J. G.
Ricardo, J. L.
Roebuck, J. A.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Williams, W.
Wood, B.
Yorke, H. R.

TELLERS.

Hume, J.
Bowring, Dr.

List of the Noes.

Ackers, J.
Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Bankes, G.
Baring, hon, W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruen, Col.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, J. H.
Cardwell, E.
Castlereagh, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G,
Clive, Visct.
Cochrane, A.
Collett, W. R.
Compton, H. C.
Connolly, Col.
Coote, Sir C. H.
Copeland, Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Duncombe, hon. A.
Du Pre, C. G.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Gore, hon. R.
Goulburn, rt. hon. H.

Graham, rt. hn. Sir J.
Granby, Marq. of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Hale, R. B.
Halford, H.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Howard, P. H.
Hussey, A.
Ingestrie, Visct.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, A.
Legh, G. C.
Leslie, C. P.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
M'Geachy, F. A.
Maclean, D.
M'Neill, D.
Mainwaring, T.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Munday, E. M.
Neeld, J.
Neville, R.
Newdegate, C. N.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Pollington, Visct.
Powell, Col.
Praed, W. T.
Pringle, A.
Pryse, P.
Pusey, P.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Shirley, E. J,
Sibthorp, Col.
Smith, A.
Smythe, hon. G.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Col.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wilbraham, hn. R. B.
Wilde, Sir T.
Wilshere, W.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

House adjourned at half-past twelve o'clock.

HOUSE OF LORDS,

Friday, February 2, 1844.

MINUTES.] The Lord Steward having reported that Her Majesty had appointed that day to receive the Address, House adjourned to Monday, and proceeded to Buckingham Palace.

HOUSE OF COMMONS,

Friday, February 2, 1844.

MINUTES.] The Standing Orders *Moved* and *Ordered*.

BILLS. *Public.*—1°. Metropolis Improvements.

Private.—*Resolved*, that no Petition for Private Bill be received after Friday, 23rd February; that no Private Bill be read the first time after Friday, 22nd March; and no Report be received after Friday, 24th May.

PETITIONS PRESENTED. By Mr. Pattison, from Thomas Clark; for Legal Reforms.—By Mr. Thornely, from Liverpool, complaining of Jury Panel (Dublin).—By Mr. S. Wortley, from Society for Preventing Cruelty to Animals, for Amendment of Slaughtering Horses Act.—From Thomas Horton, with Plan for Paying the National Debt.

STATE OF CANADA.] Mr. *S. Wortley* wished to ask his noble Friend the Secretary for the Colonies a question, on which it was of great importance that the country should obtain an intimation of the views of the Government; it was, whether the course which Sir Charles Metcalf had pursued as Governor-General of Canada had received the sanction and approbation of her Majesty's Government.

Lord *Stanley* was not sorry that his hon. Friend had put this question, because he believed it to be matter of considerable importance that there should be no mistake as to the views of her Majesty's Government. He did not hesitate to say, that the course which had been taken by Sir Charles Metcalf had the entire concurrence and approbation of her Majesty's Government. The resolution of sending out Sir Charles Metcalf as Governor to Canada, a man of tried ability and of known liberality in his views of government, was a sufficient indication of the wishes of her Majesty's Ministers. Sir C. Metcalf went out to Canada to carry out fairly the new colonial system, but equally determined to resist those extravagant demands which were inconsistent with the authority of the Crown and of the true rights of a colonial legislature. He be-

lieved that the course taken by the Governor-general was the right one, and he had no hesitation in stating that it met with the entire concurrence of the Government at home.

Lord *J. Russell*, after that expression of opinion, would ask the noble Lord whether he would communicate to the House the instructions given to Sir Charles Metcalf, and the correspondence with him.

Lord *Stanley* did not think that it would be of advantage to the public interest to communicate the instructions given, or the communications received. Whenever the noble Lord should bring forward the question for discussion he would be quite ready to explain the conduct of the Government, and he hoped to be able to explain to the satisfaction of the House and of the country.

Lord *J. Russell* did not put his question as blaming Sir C. Metcalf, he neither blamed him, nor did he under present circumstances say that he approved of his conduct.

Brazilian Treaty.] Mr. *Hawes* enquired whether the right hon. Gentleman the First Lord of the Treasury would lay on the Table the papers explaining the object of Sir Henry Ellis's mission, and its results?

Sir *R. Peel* begged to reply that, considering that the existing treaty with Brazil would expire in November next, and the present relations between this country and the Brazils, he did not think it consistent with his duty or with the public interests to lay the papers on the Table.

Charitable Trusts.] Sir *G. Grey* inquired whether it was the intention of the right hon. Baronet, the Home Secretary, to bring in a bill to regulate the administration of public trusts? He had withdrawn his own bill, understanding that the Government would introduce such a measure.

Sir *James Graham* replied, that the right hon. Gentleman was aware that this was a subject not only most important, but one of the most complicated and difficult which could be taken up by any Member or any Government. His recollection of what took place last year did not quite agree with that of the right hon. Gentleman; he had told the right hon. Gentleman that a measure was under the consideration of the Government; and that he had hoped last Session to have introduced a bill; but he left it to the right hon. Gentleman's own discretion whether he would take the sense of the House on the second reading of his own bill. During the recess, however, the subject had been anxiously considered by her Majesty's Government; and at a very early period a measure would be introduced into that or the other House of Parliament.

Mr. Bonham.] Sir *R. Peel*, seeing the hon. Member for Exeter in his place, and having observed on the books a notice of motion by the hon. Gentleman, of such a peculiar nature that unless it were explained, it would affect the character of an hon. Friend of his for whom he entertained the greatest respect, wished to ask for some explanation. The notice was,

"That an humble address be presented to her Majesty, praying that she will be graciously pleased to dismiss Francis Robert Bonham, Esq., from the office of Storekeeper of her Majesty's Ordnance, &c."

He would, therefore, put it to the justice of the hon. Gentleman to have the goodness to state whether it were his intention to make any imputation upon Mr. Bonham in his business or conduct as a public officer, and if he would state concisely the particular ground on which he proposed to visit his hon. friend with the highest reprobation and dismissal from office?

Mr. *Divett* had not the least objection to make a statement with reference to his motion, if the right hon. Baronet called for it, or if the House would receive it, either then or at any other time. He had made no statement, because he did not wish to put forward any thing which would convey imputation, which Mr. Bonham or his friends could not have the fullest opportunity of contradicting. Therefore it was, that he had not stated the ground on which he had proposed to move for the dismissal. He had only to say in reference to the conduct of Mr. Bonham, that he sincerely hoped that gentleman would be able to make a statement which would be satisfactory to him and the House, in reference to the conduct of which he complained. Although he was influenced by public considerations only, yet his principal reason for bringing forward his motion, had not a reference to the official position which Mr. Bonham held, but to the real

functions which he discharged at the Carlton Club, and in the Conservative party. [*Laughter.*] Hon. Gentlemen might laugh; they possibly knew the functions which Mr. Bonham performed better than he did, but they were functions of a peculiar character, and it was necessary the country should know them. The charge which he had to adduce against Mr. Bonham had reference to his conduct in connexion with the late election for the city of London. Mr. Bonham, either through himself or guided by others, had made representations which, if not intentionally fraudulent, were certainly highly reprehensible. He regretted to be compelled to make any complaint of that kind. At one time, he thought of communicating with the right hon. Baronet opposite on the subject, with the view of ascertaining from him whether he sanctioned such an interference with the business of elections. On consideration, however, he did not feel it right to persevere in that course, thinking under all the circumstances that it would be better to bring the case forward in his place in Parliament. But if the right hon. Baronet would prefer to have the motion brought forward that evening rather than on Thursday, he would go into it then, though there were two or three letters to which he should wish to refer, and which he had not then with him.

Sir *R. Peel* did not wish to call for any general statement with respect to the transaction. He only wished to know—as a motion had been put on the books for the dismissal of a public officer, whether it related to any act of official misconduct, or to some private transactions. He wished to know whether it related to Mr. Bonham, as a public officer.

Mr. *Divett* said, it did not relate to his conduct as a public officer in his official position. It regarded not his ostensible, but his real, connection with the Government.

THE PRESENTATION OF PETITIONS.] Mr. *Wallace* said, that before bringing forward the motion of which he had given notice (for rescinding the Standing Order which prevented any discussion on the Presentation of Petitions), he wished to have that Standing Order read. [The Standing Order of 1840 was then read. It enacted, that no Member on presenting a petition should do more than state its general substance—that no discussion should be allowed on such presentation; but that if the petition related to a matter on which a Member intended to found a motion, he might move to have it printed with the votes, he giving at the time notice of such motion. From this rule were excepted, petitions complaining of a grievance, any delay in the notice of which might be injurious to the public or to individuals. There were also excepted from the rule, petitions against measures imposing direct taxation.] The hon. Member went on to say, that the motion with which he should conclude, would be, that the Standing Order just read, should be rescinded. As the question had occupied the attention of the House on two former occasions, it was not his intention to enter at any length into it, for the importance of having the petitions of the people received and discussed in that House was so obvious, that he could not see on what reasonable ground the practice could be set aside. During the period he had served in Parliament—since the year 1833—for two years of that period—1833 and 1834—the petitions of the people were discussed at the time of their presentation, and that diffused great satisfaction generally throughout the country. The discontinuance of the practice had produced the reverse result, having led to general disappointment among the people. Petitions were now laid upon the Table, and afterwards jammed into bags and sacks, as if they were of no importance whatsoever. Those who knew the consideration which the people attached to getting up their petitions, the respectful and careful manner in which they were worded, and the great interest which they took in them, should take counsel themselves before they gave a vote for the continuance of this obnoxious practice. He had no hesitation in admitting that a considerable degree of inconvenience was felt by the House at the time he alluded to, when discussions upon petitions were general on all questions; at the same time he was prepared to say, that there ought to be, and might be, a distinction, which could be easily laid down, in order to do away with the present system. He found, that in the year 1839, a division took place on this subject, when the numbers were 105 against the renewal of the practice, and 50 for it. In the year 1842, this question was again brought before the House twice, on one occasion by himself, and then the division was 43 for the motion and 183 against it. A similar motion was also made

by the hon. Member for Finsbury. He was then, as now, of opinion, that the people had an inherent right to have their petitions discussed on presentation, and it was an invidious proceeding of that House for hon. Members, by a majority, to wrest this right from the people. The opinion of the House had been given against him before, but the hon. Member for Finsbury brought the question before the House, whether in the case of taxation, when the people came there to complain of any new tax, about to be levied upon them, their petitions according to the old and healthy fashion, should be discussed at the time of presentation, by the Members who might present them, and those who chose to express their opinions upon the subject of the petition. The division on his hon. Friend's motion was 136 in favour of it, and 167 against it, showing that in this Parliament, composed, as it was, of a majority of Conservative Members, only a majority of 31 could be found to resist the motion of his hon. Friend. The people out of doors had no opportunity of seeing their petitions after they were laid before that House. The House had a system of sending them to a private committee, which dealt with them as it thought fit. Sometimes they were printed at length, sometimes in extracts, and often not printed at all, so that if the Members representing those who sent their petitions to that House, desired to let them see how they fulfilled their duty, so far as the presentation of their petitions went, they had not the means except by sending a note, to say that on such a day such a petition was presented. Out of doors, the people could not understand that, and he could assure the House that a vast number of the people generally, who entertained opinions still somewhat more favourable to the character of that House than others, found great fault with this system. The rule that individual petitions might be printed with the votes, was overborne by other rules. On two occasions, in the last Parliament, and on one in the preceding Parliament, he had been forced to leave petitions undiscussed altogether, because he could not find a day on which to bring them forward; notwithstanding he was in the House from the time it met, until it broke up at night, he never could find an opportunity to discuss these petitions, which were of an individual character; and he would not have them printed because he saw that they could not be discussed, and he would not be guilty of the injustice of printing that which involved a charge which the party accused had no opportunity of defending himself against. It was, therefore, the duty of the House to adopt some stringent rule by which the petitions of the people should be better treated. They did not know whether their petitions had been attended to or not, and by an economical rule of an hon. Friend who sat near him, the lists of those petitions and other Parliamentary papers could not now be sent to them. He considered the present practice injurious to the best interests of the country, and obnoxious to the feelings of the people; and he believed the rescinding of the rule, as it now stood, would be an exceedingly gratifying thing to the people. Having stated the nature of the case which he had to bring before the House, and which had been twice before fully discussed in the present Parliament, he would merely observe, that if an unqualified veto were put on his proposal, the people would have a right to accuse the majority of that House of having done what in them lay to prevent their constituents from knowing what took place within its walls. The hon. Gentleman concluded by saying, that he should certainly divide the House upon his motion.

Dr. *Bowring* fully agreed with the observations made by his hon. Friend, and he should, therefore, feel great pleasure in seconding the motion. That House had not a more important function to exercise than to open its doors wide to the petitions of the people, which he thought should be treated with greater respect than they were. There was out of doors a growing indisposition to petition that House, and he believed it might be traced greatly to that inattention to the representations which from time to time were addressed to the Representatives of the country. With reference to the sale of Parliamentary papers, he thought it was attended with public benefit, and added greatly to their circulation; it was not only eminently useful, but highly economical. He would cheerfully co-operate with his hon. Friend in expressing a hope that the rule which existed, and which created a great deal of dissatisfaction out of doors, would be rescinded.

Sir *R. Peel* was a little surprised at the observation of the hon. Gentleman who had last addressed the House, that there was an increasing disposition amongst the people of this country to withhold pe-

titions from that House. He rather thought, though he was speaking from memory, that the number of petitions presented last year amounted to about 25,000, and if the hon. Gentleman would compare the number presented last year with those of previous years, he did not think he would find a confirmation of his statement, that there was any disposition to withhold petitions from the House of Commons. But if the hon. Gentleman recollected the petitions that were presented on the subject of Education, when the Education Bill was under consideration last year, he thought he would find conclusive proof that there was no disposition on the part of those who had objections to a public measure, or felt themselves aggrieved by it, to present their petitions to the House of Commons; and he (Sir R. Peel) thought he had heard from the hon. Gentleman, or those sitting near him, that the result of those petitions proved the efficacy of the right to petition. The question was not the convenience of Members, but what practice would most conduce to the satisfactory conduct of Parliamentary business. Some years since it was the habit to enter into debates on the presentation of petitions, and then it was held to be useful that there should be such an opportunity, because many Members of Parliament distrusted their own powers, and were unwilling to enter into a general discussion; but he thought the confidence of the House, and of the Members in general had much increased, and there was no such diffidence on the part of individual Members in addressing the House. In point of fact, the practice had grown up of having debates on subjects of great public importance, which lasted six or seven nights, and thus the opportunity of addressing the House was afforded to every Member; and he thought a speech made a much greater impression when delivered in the course of a consecutive discussion, when the subject was fairly under review, than at an unexpected time on the occasion of presenting a petion. This subject had been brought under the consideration of the House so lately as 1842; and he begged to call the attention of the House to what had been the practice when the late Government was in power, when Lord Dunfermline, then Mr. Abercrombie filled the chair now so worthily occupied by the present Speaker. The House was then so sensible of the inconvenience of occupying so much of the day upon petitions, when an important discussion was about to take place, that the practice was altered. Of course, it was perfectly competent for any Member, at any time within the limits fixed by the House for presenting petitions, to state the place from whence it came, its object, and the number of signatures, and if he pleased, have it read in full by the clerk at the Table. If he intended to found a motion on the subject, he might have it printed with the votes, and fix a day for the discussion of the matter to which it referred; but if the grievance complained of was urgent and could not be delayed without injustice then he apprehended it was competent to the hon. Member presenting it to bring it on for discussion at once. Looking at these regulations, he thought it much better that they should be preserved, as he considered that it would be better to adhere to the rule and have a subject fully discussed at once, than that it should be brought forward at uncertain intervals on the presentation of petitions. He had himself a strong opinion that it would be for the public advantage to adhere to the Standing Orders which were confirmed by a large majority, with the concurrence of men of all sides of the House, who had most experience in public business — and he hoped the House would not depart from the rules, which had been affirmed in 1842, after very mature consideration.

Mr. *Brotherton* had often had conversations with his constituents respecting the present mode of presenting petitions, and he never found a man yet whom he did not convince of the impracticability of raising a discussion on the presentation of each petition. The present mode of presenting petitions, so far from being objectionable, he did not hesitate to say was the best he had ever seen. He could recollect the time when there were discussions on the presentation of petitions, and they could never get through with more than three or four in one day; all the rest were thrown on the Table, and it was impossible to present them in an orderly manner. He hoped his hon. Friends would not divide the House on this subject, after he had given them a statement of facts. It appeared from the reports made to that House, that in the five years ending 1789, the number of petitions presented had been 880; in the five years ending 1805, it had

been 1,026; in the five years ending 1815, it had been 4,498. In the five years ending 1831, it had been 24,492; and in the five years ending 1843, the number of petitions presented had been 94,292. Now, if a discussion were allowed on all petitions, the number so presented would be small, and confined to a few Members. He had seen one hundred Members with petitions in their hands waiting whilst Members made long speeches, and he had brought petitions down to that House eight or nine days consecutively, before he had been able to present them. He felt persuaded that the people would not be dissatisfied with the present mode if there had not been misrepresentations made to them on the subject; therefore, although he was generally on the popular side, and was not insensible of the good opinion of his constituents, yet from a sense of duty—being convinced that it would be impracticable to present petitions in any other way than that which was now pursued—he should feel bound to vote against the motion, if his hon. Friends persisted in it.

Mr. *Ward* having once brought forward a similar motion, could not help stating that he agreed with the view now taken by the hon. Member for Salford, and much as he might regret voting against a motion which he had originally made himself, he felt that the adjourned debates to which allusion had been made by the right hon. Baronet afforded, on all great questions, the Members representing large constituencies a better and more convenient opportunity of placing on record their sentiments than they could have in an incidental discussion on the presentation of a petition. But at the same time he must be allowed to remind the right hon. Baronet, that this consideration had been frequently overlooked by hon. Gentlemen who did not wish to take part in a debate themselves, and became very impatient to bring those debates to a close. If the right of debating on the presentation of petitions were given up on some of those questions affecting large commercial communities of this country, they must expect every Member representing a great town to speak. It was not above once or twice in a Session that those questions occurred; but when they did occur, he called upon the right hon. Baronet to consider that subject, upon which the House had made so great a change. The attempt to apply the old rule of debating on the presentation of petitions would be utterly impracticable. They would come down to the House without knowing any hour when the public business was about to begin, and there would exist nothing but tedium and disgust from the multifarious subjects which would be introduced to the House. He, therefore, should vote against the motion of his hon. Friend, but with great regret; and although he had on a former occasion brought forward a similar motion himself, which he then thought it was wrong of the noble Lord to reject; but his opinion had changed, and he now believed the noble Lord was right, and himself wrong.

Mr. *Fielden* hoped the hon. Gentleman would not withdraw the motion, but press it to a division. The people would be obliged to him for bringing it under discussion, and would be gratified to see a division, if ever so few Members voted for it. They never had an opportunity of knowing what many of the petitions which were presented contained, and he should like to know if it was not part of the business of that House to hear what petitioners had to say. With respect to the committee up stairs, though they had all the petitions handed over to them, they did not know what they contained. He could not see why a portion of the day, say from twelve to three, should not be devoted for the purpose of debates on the presentation of petitions. The people complained of their burthens, and the House told them they would not listen to their petitions; the right of petition was, then, quite a farce; the people were told to petition, and in the same breath it was said that their petitions would not be attended to. If they meant to govern the people by proper means, they must tell them to complain of their grievances and they would endeavour to redress them.

Mr. *Wallace* in reply, observed, that all that he had heard from both sides of the House did not convince him that he was not right. He was quite satisfied that the people out of doors would be exceedingly glad to see the rule of the House upon which his motion was founded rescinded. The hon. Member for Salford was one of the committee which did as it pleased with the petitions of the people, and he had never seen any one yet in power who liked to relinquish it; but as he had no power to induce the House to go beyond what they were determined to do, and as he never had a desire to waste the time of the House, he was quite wil-

ling to withdraw his motion. He was moreover, reminded by the First Lord of the Treasury, that if the rule were done away with, it would interfere with another regulation which he thought was essentially good. He, however, believed his proposition was perfectly practicable, which he might endeavour to show at some future time.

Motion withdrawn.

SESSIONAL ORDERS.] Sir *G. Clerk* moved that the Sessional Orders be now read,

Mr. *W. Williams* said, that there were some of these Orders so much at variance with the proceedings of the House, that he was of opinion a select committee ought to be appointed for the purpose of revising them. When the House laid down rules for its mode of proceeding, the proceedings ought to be in accordance with the rules laid down, but the contrary was the practice, and, in fact, the rules were set at nought, although passed annually by a solemn vote of the House at the commencement of each Session. To prove this to be the case, he would mention one or two instances. He would first take one of the resolutions, which commenced by stating,

"That no Peer of this realm hath any right to give his vote in the election of any Member to serve in Parliament."

He would not now discuss the right of a Peer to vote at the election of any Member of that House—he would not enter into that question; but as the House established this Standing Order solemnly by a vote, it ought to have both the means and the disposition of enforcing the rules thereby established. But how, really, did the matter stand? He believed that there was no statute or common law in this country which forbade a Peer to vote in the election of a Member to serve in the House of Commons. He believed, if any Peer were to claim his right, in virtue of a proper qualification, to be placed upon the registry of voters, no revising barrister would refuse to admit his right and to allow the claim. Now, suppose a Peer was thus placed on the registry, he then had the right by law to vote; no individual at the poll was permitted to question his right. He had seen in one of the newspapers, that a Peer publicly stated he would act in direct opposition to the Standing Order, and would assert his right to vote at an election; he did not know whether that Peer had carried his threatened intention into effect or not, but, supposing he had, he begged to ask how the House was to enforce its own Standing Order? Under what statute or what branch of the common law could it be enforced? The law gave the House no power to enforce it, and therefore it must resort to its own powers. But what would be the position of any hon. Member who should rise in his place and make a motion that the Peer had been guilty of a breach of the privileges of the House, that he therefore be called to the bar, and be committed to Newgate or the Queen's Prison, for violating the orders of the House? The noble Lord the Member for the city of London, and the right hon. Baronet the First Lord of the Treasury, would be the first to stand up and condemn such a motion, and yet both the noble Lord and the right hon. Baronet were great sticklers for the privileges of the House, and had sustained them in a very manly manner; but in a case like that he had mentioned, they would abandon the attempt to enforce this Standing Order. That being so, then he (Mr. W. Williams) contended such an Order ought not to be voted, as it was only calculated to bring the authority of the House into ridicule and contempt, because it was an Order the House had neither the power nor the disposition to enforce. He would now take another Standing Order, which ran thus:—

"That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any Lord of Parliament or other Peer or Prelate to concern himself in the election of Members to serve for the Commons in Parliament."

How, he begged to inquire, could this rule be enforced? It had not been enforced, though in 1836 it was notorious—nay, it had been proved before a committee, that the Members of the House of Peers, with scarcely a single exception, had exercised all the powers they possessed in virtue of their property or office to influence the election of Members of the House of Commons. It was perfectly well known that Peers had driven their tenants and dependents to the poll to vote, not according to the opinions of those tenants and dependents, but according to the political interest of each Peer, and if the tenants refused to obey his dictates they incurred his severe displeasure, and were visited by removal from their situations, or dismissal from their farms. What was the Chandos

clause in the Reform Bill for but to carry out powers which this Standing Order denied to Peers? He repeated, therefore, that as the House could not enforce these rules they ought not to be annually voted, and a committee ought to be appointed to take the whole of them into consideration; if so, a great many would be expunged as being wholly inapplicable to the objects for which they were passed. Before leaving this latter point, he must remark that it was very well known that Peers of the realm openly, and without disguise, subscribed vast sums of money—not thousands, but tens of thousands, for the purpose of buying and corrupting the electors to vote for their own political partizans. He ventured to say, there was not a Gentleman on the Treasury bench who could not point out Peers who had subscribed to the funds of the Carlton Club, and he was equally certain that Gentlemen on his own side of the House could point out Peers of their party who had done the same. Before he sat down, he would take another Standing Order, of which an hon. Gentleman near him (Mr. Christie) had given notice of his intention to move the rescinding. He understood the hon. Member did not mean to bring forward that motion to-night, and therefore he (Mr. W. Williams) would just advert to it. The Standing Order was in these terms,—

"That the Sergeant-at-Arms attending this House do, from time to time, take into his custody any stranger or strangers that he shall see, or be informed of to be, in the House or gallery while the House or any committee of the whole House is sitting; and that no person so taken into custody be discharged out of custody without the special order of the House."

Such was the Order, but what the practice? Why, one of the privileges of every Member of the House was to violate that rule every day; it was an acknowledged privilege of each Member to give an order for the introduction of a stranger into the gallery. Then, again, it was the Speaker's privilege to give as many orders for Mr. Speaker's gallery as it would contain; that privilege the right hon. Gentleman in the Chair had resigned for the use of Members, who could introduce their friends, by placing their names upon the list in the secretary's room. Again, the Sergeant-at-Arms, the very officer who was called upon by this Order to take all strangers into custody, granted permission, with the utmost courtesy and civility, to Members to introduce their friends as vacancies in the gallery took place. How, then, could the House allow this rule, so openly violated, to remain among its Standing Orders? He thought he had, in the few observations he had made, shown to the House that its Orders could not be enforced in some instances, and that in others there was neither the power nor the inclination to enforce them. On these grounds he urged their removal from the rules and regulations of the House, which would make their proceedings more respected out of doors, and at the same time do away with the anomaly of making Orders which it was intended to break.

Colonel *Wyndham* said, his observation had relation to a statement made by the hon. Member for Coventry. He could not sit still and hear such statements thrown out against the landed aristocracy as that they brought their tenants and dependants to the poll, and enforced from them a particular line of conduct, contrary to their feelings and ideas. He denied most emphatically such to be now the case, whatever it might have been fifty years ago.

Mr. *Christie* observed with regard to the notice he had given, and which had been alluded to by the hon. Member for Coventry, that he begged to state, that after giving the notice he found, on consulting with friends better able to judge of such a matter than himself, that it would be inconvenient to make the motion to which the notice related on bringing up the report. Of late years, on two occasions similar objections had been made to those parts of the Orders which were now objected to. On both occasions the Sessional Orders had been postponed, and the debate taken upon a day fixed for that purpose. After the notice which he had given he did not know exactly what course to pursue. He should be disposed to fix an early day for going into the subject, if the hon. Baronet opposite would consent to such an arrangement.

Several of the Orders were then agreed to.

Mr. *W. Williams*, in reference to the Order against bribery, said, that if the hon. Baronet would refer to the act very recently passed on the same subject, he would find that there was not the least necessity for continuing any such Order.

Sir *G. Clerk* said, the act did not cover all the cases of bribery, which might be

brought within the operation of the Order.

Mr. *Christie* must repeat the expression of his hope that the order would be postponed.

Sir *G. Clerk* said, that the subject had frequently been under the consideration of the House. It had been brought forward in the year 1839, again in 1840, and again in 1842 by the hon. Member for Birmingham; but that was done, though the House had agreed to the present Order on the second day of the Session. The hon. Member, as he understood, intended to propose that a select committee be appointed; and surely the passing of the Order at present before the House would not interfere with the adoption of such a course.

Mr. *Christie* observed, that the only advantage which could accrue from postponing the consideration of the Order would be, that by such a course he would secure an opportunity of bringing the subject under the consideration of the House —an opportunity which he might not otherwise have it in his power to secure; however, he would give notice and take his chance for getting the matter debated.

On the Order being read that Orders of the Day should take precedence of Notices of Motions on Mondays, Wednesdays and Fridays,

Mr. *W. Williams* said, that he wished this Order to be postponed, as he understood that it would be attended with inconvenience to go into a discussion of the subject now. Under the present system a number of Orders were placed on the list for each order-day, and it was hardly possible to tell which would be brought forward. He was anxious that the Orders on Government days should be taken in rotation, as they were on Wednesday, instead of being selected without any apparent reason. He was anxious to make some observations on the bills which were repeatedly on the order-book last Session, and he was brought down five different days, and was kept waiting all the evenings in expectation of their coming on; but other business was disposed of. If a register were made of the Orders, and they were taken on Government nights in rotation, a Member could form a tolerably accurate notion of the business likely to be brought forward. He trusted, that her Majesty's Ministers would not object to this plan.

Sir *R. Peel* thought, that there was always a general disposition on the part of the Government, as well as of private Members, to take the business of the House in a manner the best adapted for general convenience. He thought, that a general understanding of this nature was much better than any rule that they could adopt. If the suggestion of the hon. Gentleman was adopted it would often be attended with considerable inconvenience, and more especially on supply nights. The best course he conceived was, that the Government should always give notice for Government days of the business they intended to bring forward. The hon. Member complained that he had been brought down to the House on five several occasions, in expectation of certain business coming on, whereas other matter was discussed on each occasion. Now he did not think the hon. Member had any great ground of complaint, for at least, he had the satisfaction of being edified by hearing the discussions on other subjects.

The remaining Orders were agreed to.

The Report on the Address.] Lord *Clive* brought up the Report on the Address, which was read paragraph by paragraph, by the Clerk at the Table. Upon arriving at that paragraph of the Address which pledges the House to maintain inviolate the Legislative Union between Great Britain and Ireland.

Mr. *Sharman Crawford* rose to object to the retention of this portion of the Address. If it were not right, as was elsewhere most justly stated, to take into consideration or to pronounce an opinion upon events in Ireland, in respect to which proceedings were pending before the proper legal tribunal, it was certainly not right to call upon the House to pledge themselves upon the subject of Repeal, a matter which assuredly had a great deal to do with the events now pending in Ireland, and a declaration upon which, on the part of the House, must have a very considerable influence, directly or indirectly, upon those proceedings. He objected, under these circumstances, to the House giving such a pledge as this at present. He had taken no part in the Repeal agitation, he did not belong to the Repeal Association, he had hitherto abstained from joining it; but, on the other hand, he must protest against giving any pledge, that under no circumstances should he think it proper to advocate a Repeal of the Union. For he felt

this, that unless the Union was to be carried out in an effective manner, so as that Ireland should receive full justice in every respect as well as England, the Union ought to be repealed. If such laws as the Irish Arms Bill were to characterise imperial legislation for Ireland, if Ireland were uniformly to be denied equal rights, and equal justice, her people were fully warranted in demanding the Repeal of the Union, and the Repeal of the Union ought to be granted them, The House had often before entered into pledges expressive of its attachment to the Union, and had combined those pledges with declarations of their anxious desire to improve the condition of Ireland, and to raise the Irish people to an equality with the English people, but these pledges had uniformly been broken, and faith had not been kept with Ireland. The pledge was here again proposed, accompanied by a similar declaration, but he, for one, would be no party to the pledge, until he saw some practical steps taken towards realising the promise to do justice to his country. He conceived that those who were desirous of asserting the rights of Ireland should be very cautious how they adopted any such pledge as this. The Union had hitherto been maintained in a manner which inflicted the greatest wrongs on the people of Ireland. It had been said that there was a conspiracy in Ireland against the Government, he considered that there had been a conspiracy elsewhere against the people of Ireland. He would, however, abstain from entering on any part of the subject at present, and with the view of keeping clear in that House of any declaration of opinion, which might have any influence upon the pending trials—which most assuredly such a pledge as that proposed would have—he should move the amendment he had mentioned. He would merely warn the Government that the steps which had lately been taken in Ireland, had been adding to the numbers of the Repealers and the power of the Repeal agitation more than anything that had ever taken place here. Men the best affected to the British connection were placed in such a position that they really did not know what course to adopt. He himself was well inclined to maintain the connection, and had always been desirous of maintaining it, but if he were called upon to maintain it any longer at the sacrifice of the rights and liberties which he, as an Irishman, held most dear, he would throw the connection to the winds. The hon. Member concluded by moving the omission from the Address of the following words:—

"We humbly thank your Majesty, that your Majesty, at the close of the last Session of Parliament, was graciously pleased to declare to us your firm determination to maintain inviolate the Legislative Union between Great Britain and Ireland; and also that your Majesty expressed at the same time your Majesty's earnest desire to co-operate with Parliament in the adoption of all such measures as might tend to improve the social condition of Ireland, and to develope the natural resources of that part of the United Kingdom."

Mr. *F. French* would suggest that the whole paragraph should be expunged, or not inserted until the Government had made some explicit statement as to what remedies they really proposed for the grievances of Ireland.

The *O'Connor Don* concurred in thinking that at the present moment it would be extremely injudicious to insist upon the House coming to such a pledge as this, upon a subject which was the direct matter of important judicial proceedings now pending. It appeared to him that the opinions of Her Majesty on the subject of the Union had already been so explicitly declared in former sessions, that it was unnecessary to renew the declaration, or for the House to come to such a pledge as this at the present moment. It could hardly be doubted that an explicit declaration like this, under the existing circumstances, would practically amount to a declaration that the proceedings of those whose conduct was now the subject of inquiry, were at variance with the feelings and wishes of Her Majesty, and this could not but have an effect in influencing the jury; on this account he thought the House ought to be very chary how they adopted any such expressions. This was not an occasion for discussing the policy of repeal, and therefore, he would merely observe that, when a more fitting time should arrive, he conceived the subject itself was perfectly open for discussion. As had been observed by the noble Member for London last year, the question of repealing an act of Parliament, and the Union was only an act of Parliament, was one the discussion of which was no infringement of the constitution; but, on the contrary, it was part of the constitution that Parliament and people should have full liberty to discuss such questions. The

question agitated in Ireland was not the separation of the two countries, but the restoration of the domestic legislature, as it existed before the Union.

Sir *Robert Peel* thought he might safely appeal to the House, whether the general tenour of this Address was not that which carried with it a convincing proof that it was not the wish of the Government, in advising the Speech from the Throne, to influence, in the slightest degree, the decision of the jury on the trials now pending. He had been greatly surprised, therefore, at hearing the objections that had been taken that night, and the more so, because when the subject was discussed on the previous evening, many hon. Gentlemen opposed to the Government had admitted that there was not the slightest difficulty in concurring in the Address which had been proposed. On the preceding evening some Gentlemen had certainly proposed amendments, but they were on altogether different points. The hon. Member for Rochdale himself proposed one, but that was with reference to the supplies, the hon. Member then finding no fault at all with that portion of the Address which he now arraigned. The hon. Member for Montrose also moved an amendment, but that, too, was upon quite a different subject. The noble Member for the city of London, and the noble Member for Tiverton both expressed their entire acquiescence in the Address. He must really look upon it as somewhat fastidious criticism to suggest that this reference to the Union could in any way or degree prejudice the jury. As well might it be argued that the other portion of the paragraph which expressed Her Majesty's earnest desire to co-operate with Parliament in the adoption of measures tending to improve the condition of Ireland, was an untimely declaration under existing circumstances, and calculated to prejudice the jury in favour of the defence. The very next paragraph expressly recognised

> "The just consideration of Her Majesty, in forbearing from observations on events in Ireland, in respect to which proceedings are pending before the proper legal tribunal."

Nothing could be less equivocal than this distinct declaration on the part of Her Majesty; nothing could more clearly show how great was the desire to avoid any interference with the due course of the law, on the part of those who framed the Speech. He could not for a moment entertain the proposal of the hon. Gentleman.

Mr. *Blewitt* said, that if he had had time on the preceding evening to take the various paragraphs of the Address into his consideration, he should most assuredly have made the same objection that had now been advanced. He regarded the introduction of the words in question as most unconstitutional, indecorous, and improper, under existing circumstances. He had, last Session, complained of the right hon. Gentleman, as having made use of Her Majesty's name in an unconstitutional manner. He thought the right hon. Gentleman had now committed a similar impropriety in advising Her Majesty to declare to the people of Ireland, who were dissatisfied with the existing law, that she will not have that law changed. Now, the Crown, though it had the power of rejection, had by no means exclusively the power of initiation; the Crown had by no means the power to tell the people that they shall not agitate the question, whether a law of which they disapprove, ought not to be erased from the statute book. It was a great feature in the constitutional privileges of the people of this country, that they might agitate against a law with which they are dissatisfied. The introduction of such a declaration as this would not only unconstitutionally prejudice the pending trials, but it would have the effect of unduly influencing the question when it should be brought forward at a future period. Suppose the right hon. Gentleman were, in a similar way, to declare it to be Her Majesty's determination that the Corn-laws should be maintained for ever, which was just the same thing in point of principle? But the right hon. Gentleman would not venture upon such a step as that; he knew perfectly well that it would create such an agitation throughout the country, as had never existed here since we were a nation. Why then, should the right hon. Baronet take a course with reference to Ireland which he dared not take with reference to England? He (Mr. Blewitt) felt deeply on this subject; when he read the history of this country, and the history of Ireland as connected with this country, he almost blushed at the name of Englishman. He verily believed there had been more atrocities committed by England upon Ireland than had

been experienced by any other civilized nation from its neighbour. And still, Session after Session passed away, and no effectual attempt was made to do justice to that most unhappy country. What a spectacle was that presented by Ireland! Seven millions of men labouring under the most oppressive and galling grievances —grievances which he, as an Englishman, could see, could enter thoroughly into; were he an Irishman, he really could not say how far his feelings might carry him, witnessing and experiencing such monstrous tyranny and injustice. It was his misfortune, most certainly, not to have met with much favour in the House; he knew not why. He could only say that since he had had the honour of a seat in that House he had always in private conducted himself towards Members with the greatest courtesy, and he was quite sure he did not deserve the want of courtesy which was exhibited towards him. He did not profess to be gifted with any eloquence, or to have that power of speech with which other hon. Members were endowed; but this he could say,—he studied the questions which were brought before the House, and endeavoured to understand every question brought before it; and if he were not allowed to express his sentiments, it was full time that the House should tell him that he was unworthy of a seat there, and send him back to his constituents, that some more worthy person might be elected in his stead. He hoped, in future, he should not again have occasion to make any such complaint. He should conclude with stating that the motion before the House had his most cordial approbation.

Mr. *Roebuck* said,—As the question of the present situation of Ireland has been brought forward, and allusion has been made to the trials now taking place, I will take this opportunity of putting a question to the right hon. Baronet respecting those trials. I shall proceed from that to make some other remarks. I am about to ask the right hon. Baronet, if Her Majesty's Government have directed their attention to the conduct of a person—a gentleman who by his official station is at the head of the law in that country, and who is now conducting those prosecutions? I shall endeavour as much as possible to avoid allusion to the result of this prosecution, not that I at all agree in that species of delicacy that has been thought to be right, but I bow to the general feeling, however I may differ from the House on that point. Still I have a feeling of duty respecting the due administration of justice, which forbids me to be silent on the present occasion—which commands me to exercise the right I now possess, and which I now exercise, of bringing this question before the House. Sir, if there be one thing more than another which ought to distinguish a state prosecution, which is a painful duty at best, undertaken for a great public good—if there is one thing more than another which ought to distinguish such a prosecution, it is a calm, decorous, sedate and considerate behaviour on the part of those who conduct it; and I appeal to this House—I appeal, not to Ireland, but to England, to tell us if that calm, sedate, considerate, and decorous demeanour hath been evidenced by the Attorney-general for Ireland? In the presence of the assembled judges of the land, the ministers of the law, and the maintainers of peace, there has been one of the most gross—(I can use no harsher words, for the English language does not supply me with a stronger) —a more gross breach of the common decencies of his station could not be committed than has been committed by the Attorney-general for Ireland. It is a breach of the law in the first place, and a breach of the law, too, at the time that the Attorney-general was indicting, as the representative of the Crown, "a great criminal," as he says, "for bringing into danger the peace of the country;" and one of the first things he does, as an example to those that he is thus bringing before the tribunals of the country, is to commit so gross a breach of the law which he was vindicating that he ought at the moment to have been committed by the judges of the land. The Attorney-general for Ireland is at this moment, Sir, liable to an indictment. I hope he will be subjected to it; and I should like to hear what his answer will be. I see before me an hon. and learned Friend of mine, to whom I appeal on the present occasion—I speak of him as my learned friend, with pride, and I hope no gentleman from Ireland will take offence—I speak of him with pride when I say the Attorney-general for England—I appeal to him who is a man of long experience, who has set a bright example to the profession and to the country, not simply of a sedate and de-

corous, but of a kindliness of manner which did more to conciliate the very criminal he has prosecuted than even his attempts to vindicate the law—I appeal to him, to confirm my statement. What a contrast there is between my hon. and learned Friend the Attorney-general and the Attorney-general for Ireland! The Attorney-general for England has gone down to vindicate the law as the harbinger of peace, while the petulant lawyer, the Attorney-general for Ireland has added fuel to the flame, and has done all he could to instigate confusion and discord in that unhappy land. He has been a torch, instead of a calm and sedate vindicator of the laws of his country. I will not speak of the judges, who were exceedingly remiss in doing their duty. They were filled with a consideration for that officer, which ought to have been overborne by their consideration of the law, and order, and propriety. They ought not to have allowed the interference of any man on that occasion to give advice. Their own breast ought to have suggested to them to do that which the law required them to do—to commit him, and thus to have shown an example to those who should thus break the law. I ask, what will be the influence of this example upon the social condition of Ireland? There is not a man now, Sir, that can speak upon this subject in any other than terms of the greatest disgust. What nice sensibility has been shown by that gentleman in setting an example to call out any man who chooses to make an effective speech on behalf of his client! I am not sure that the practice may not extend further. Why not call out the jury? and I don't know either that the judges are exempt. [*A Laugh.*] It may well create a laugh; but what I want to introduce into Ireland is what I should consider one of the best things that could result from the Union of England and Ireland,—I mean that conduct which distinguishes the great tribunals of this land, that absence of all emotion, where the judges are as impassible as if they were without emotion, acting with such calmness and decorum that they command the veneration even of the criminal. Can any man for an instant believe, now after justice has been disregarded by this man—who, as I said last year, was unfit to be in the position which he occupies, and who has now proved himself to be totally unworthy of his office—that he will be retained in his position as the chief law officer of the Crown in Ireland? I say, Sir, as soon as the messenger can carry it to that country, that the law should be vindicated, that justice and decency should be satisfied, by the instant and ignominious dismissal of that most unworthy officer. Now, Sir, I have spoken out on this occasion; I have applied epithets to him which I think are fully deserved, and I have no sort of fear that I shall be called upon to apologise or name a friend. If there be one thing which adds to this matter a disgrace beyond the committal of the offence, it is the manner in which it is sought to be defended. The Attorney-general for Ireland, having so far forgotten his position as to challenge a barrister in court, being called upon to explain what he meant, answered his opponent, who had spoken to him in the language of a gentleman, in the language of the law, and told him to make an affidavit. That was mixing up the court of honour and the Court of Queen's Bench in a queer way. But, for a moment, Sir, let us forget all the ludicrous points of this affair — unfortunately there is but a step from that which is the most fearfully mischievous to the ludicrous — let us, however, for an instant forget the ludicrous part of the exhibition, and I most earnestly appeal to the right hon. Baronet at the head of Her Majesty's Government, as he respects the peace of Ireland, as he hath regard for the great principles of the Union, as he respects the peace, the honour, and everything that is dear to that country and to this—let us ask the right hon. Baronet, is he ready to vindicate the law upon this occasion?

Sir *R. Peel.*—Sir, I regret that the hon. and learned Gentleman has felt himself called upon by his sense of public duty to make the observations which he has made upon the conduct of the Attorney-general for Ireland. I am resolved to adhere to the rule which I laid down last night, and I will not, by any observations, or any comment which may be made upon matters immediately connected with the trials now pending in Ireland, be led into discussion upon that point. I consider it my duty to defer implicitly to the rule which has been laid down in the Speech from the Throne, and to avoid, even upon collateral topics, any observation which can have a bearing upon that matter. I must say, that I think the comments of

the hon. and learned Gentleman upon the conduct of the Attorney-general are much more severe and censorious than the occasion requires. The act to which he refers it is impossible for me to justify; the principles for which the hon. Gentleman contends as to the rule of conduct which should influence those who are conducting a great public trial—the justice of those principles I cannot deny. I think it of the greatest public importance, that there should be an absence of all irritation and all exhibitions of temper; but I can state with truth, that a very few hours before the Attorney-general was betrayed by irritation into the act to which the hon. and learned Gentleman referred, he did express his entire concurrence in the principles which have just been laid down, and to my right hon. Friend the Secretary for the Home Department did give his most positive assurance that no provocation that could be offered should induce him to make such an exhibition. We, who are very imperfectly acquainted with the full particulars of the case, are called upon to express an opinion as to the conduct of the Attorney-general for Ireland. That he was betrayed unfortunately by momentary irritation into the act to which the hon. Gentleman has referred I cannot doubt, and, as I said before, it is impossible entirely to vindicate such an act; but at the same time let us make allowance for the position in which he is placed, let us in justice to him remember the infirmities of our own tempers, and not be led in the absence of the full facts to pronounce a decisive and peremptory judgment. That at any rate the act of the Attorney-general was not a deliberate act, I think must be admitted; there was no retiring from the court, and writing the challenge after some consideration, but by a strong provocation he appears to have been suddenly betrayed into this act. This it was, I presume, that led the Attorney-general to make what was tantamount to a challenge. The court took it up; the Attorney-general expressed his regret for the act; his conduct was noticed by the judges in a manner that must have been very painful to him; and he must have been grieved by the highest authorities in that court, and by the court itself being witnesses of the transaction and expressing their condemnation of the act. The Attorney-general asked permission to withdraw the offensive letter which he had hastily written, and expressed great regret for having been betrayed by sudden emotion into the step which he had adopted. These, I believe, are the facts of the case. As to the question whether Her Majesty's Ministers have taken such notice of the act as shall cause the dismissal of the Attorney-general for Ireland, I say at once, and most distinctly, that Her Majesty's Government have not taken such a step, and do not contemplate it.

Mr. *Wyse* said, he had heard with much surprise the observations of the right hon. Baronet. He had commenced, by expressing his determination in conformity with the reserve maintained in the Speech from the Throne, and his own pledges of silence on the same questions, not to enter into any discussion, which could bear upon the trials now pending in Ireland, and yet in the very next sentence, when it was expected he would have deferred all farther consideration of the question to some future opportunity, he was betrayed into an ample defence of the recent conduct of the Attorney-general. How far this was consistent, he would not say, but if the debate were now to be continued he must blame himself for its continuance. The observations which had hitherto been made referred to one point principally of the transaction, the utter impropriety of the Attorney-general's conveying a challenge to an opposite counsel in a court of justice, but there was another light in which it was to be regarded, the effect which it had, or might have had, on the case of his client. It appeared from the best authorities, that Mr. Fitzgibbon's observations were in unison with the general instructions he had received, and did not exceed what he deemed necessary for the line of defence which was required for the cause with which he had been entrusted. To establish by admitting for a moment such conduct anything like a precedent for interfering with the right of free speech in defence of a client, would necessarily produce the most dangerous consequences. It would limit the means of protection against charges, which might be the most unfounded, to a narrow circle, and expose the accused to the most cruel disadvantage. But there was a still more important result, not affecting the fortunes of the individual only, but those of the whole country, which must naturally fol-

low from this proceeding. The object of all tribunals, of every court and minister of justice, was, it was to be presumed, to vindicate the laws, to impress the public with the conviction of the impartiality, the calmness with which they were administered. It was especially set forth as the great end of these very trials. He fully concurred, in the importance of this impression; nothing could be more desirable than that the people should be assured, that everything was conducted with a view only to the great ends of justice. But how was this evinced? Here was the prosecutor not only giving himself an instance of a directly opposite conduct, but what he believed to be hardly less injurious to the cause of justice, judges are found to pass over and a Minister of the Crown is found to extenuate such conduct. He was willing to make every allowance for natural infirmity of temper, he could easily conceive how a disposition at all irritable like that of the Attorney-general, with the anxiety which he must of course have experienced at every step of these proceedings, deeply impressed with their magnitude and consequences, affecting not only himself personally, but what he would not refuse him the credit of his believing, that he felt equally affecting the greatest interests of the country, he could easily conceive how such a disposition, especially after the severe test to which it had been previously put by the biting sarcasm and searching eloquence of Mr. Sheil, might be easily betrayed in such a moment, and under such circumstances, into language and demeanour to which men of cooler temperaments could never be provoked; but this, though an apology for the man, was none whatever for the Attorney-general; he must add that the slightest consideration of the solemn nature of the duties he had in hand, should have at least led him to notify to Mr. Fitzgibbon, before he resorted to his *ultima ratio* of arms, the meaning which he attached to his expressions, and have requested an explanation in the presence of the court; or should this have appeared objectionable, another course was open to him, he might have placed himself in the hands of the court, and relied upon its judgment for decision in the matter. This would have been the obvious course pointed out by his position and functions, and the very serious responsibilities with which he was intrusted. Neither of these two courses the Attorney-general thought proper to adopt; but in the very sanctuary of justice itself, almost in the presence of the judges, and in the midst of the exercise of his high duties—when the absence of all passion was most to be wished for and most to be demanded, he sends a challenge to whom? to the counsel of one of the traversers whom he was prosecuting, to Mr. Fitzgibbon!—he could not but say, with such facts before him, with every admission he had already made, that so extreme a step at such a moment, and in such a capacity, was an act of the grossest possible official misconduct, and such as not even Her Majesty's Government could seriously think of vindicating. But he would not at this moment pursue the question further. He wished, that nothing should interfere with the dispassionate judgment of the jury: it should not be said, of this side of the House at least, that they did any thing which could prevent their decision, whatever it might be, from coming as calmly and coolly as possible before the public. Whenever he (Mr. Wyse) had deviated from this rule, he did so on the strongest provocation. The proceedings which marked the selection of the jury, and to which he would not for the present more particularly advert, were such as called for in his mind, the sharpest and most immediate reprehension. He thought it his duty, to resent in terms the strongest and most indignant he could use, the insult and injury offered to the whole religious persuasion of which he had the honour to be a member. He would have despised himself, and others would have a right to despise him as base, pusillanimous, unworthy of the liberties which he maintained he had a right to enjoy, had he acted otherwise. But this was a circumstance of peculiar moment, calculated to have the deepest and most sinister influence on the feelings and conduct of the whole Catholic community of Ireland. Discussion on the Repeal of the Union in this House, at this period of the Session, or rather in the present position of the trials, was a totally different question. It could not but tend in one way or other to affect the opinions of the jury, and give a bias from which they ought to be kept, as much as possible, exempt. He was not,

as the House was aware, a repealer himself: he had given evidence to the contrary both in and out of Parliament, to which he should not then recur; he had lately been called on to declare whether he would join the Association or not, and had found himself compelled by conscientious convictions, respectfully but explicitly, to decline the proposition; he candidly, and openly made this declaration to his constituents. but he felt it not less his duty to declare as candidly and openly to that House, that the reason why he had not complied with the requisition, was the belief which he still, amidst so many disappointments, continued, he hoped not erroneously, to nourish, that intermediate measures for the redress of the many grievances under which his country laboured, might still be found sufficient to render such an extreme course unnecessary: he still had hopes, that the Imperial Parliament would awaken for its own interest as well as that of Ireland, and apply before it were too late, remedies to existing evils, and until these hopes were exhausted, until no prospects of justice, could be farther entertained from their fears, or good sense, he was not disposed to recur to ulterior measures. This however, mainly depended upon this country and this legislature: they were to say, by their deeds, (for words had little value) whether these hopes which he in common with an influential portion of the people of Ireland, still persisted in retaining, were to be justified or frustrated: they were to say, whether the Repeal agitation was to be suppressed, in the only effectual manner in which it could be suppressed, by perfect equality and thorough identification in all rights, privileges, and benefits, of the two countries, or by infatuated perseverance in the opposite course, whether new partizans, from ranks now hostile or neutral, should not be compelled every day to flock to its standards. In a word, on this country, and its Government it depended, whether it should be the question of a part or the whole of the nation. He had thus far noticed the subject, but he should not be betrayed farther: indeed he could have wished it had not appeared in the Speech at all.—It was true its mention was attempted to be rendered palatable by some accompanying phrases on "the social improvement of Ireland."—He presumed that under such terms, not only social in its usual limited sense, but political amelioration was intended to be included, for it would be preposterous to expect in Ireland, or indeed in any country, much social improvement, where a good and stable state of political relations had not previously been established. Could he believe that the words were intended merely to apply to the drainage of bogs, the extension of canals, the opening or bettering of lines of road, the reduction of burthens on industry and commerce, or even to a wiser and juster legislation for the peasantry, in a word, to those measures only which conduce to the more material interests of the people, he (Mr. Wyse) for one should not rest satisfied with such ameliorations, and if the declaration of maintaining inviolate the Union, were not intended to be followed up by any other—by no measures of redress for religious and political grievance—he most assuredly would never give his assent to any recognition of such a declaration. He looked for a pledge, that the House would, without further loss of time, set seriously to work, not merely to consider the whole state of Ireland, but to consider it with a firm determination to carry into action every measure of improvement be it for her political or social condition, with a frank and honest promptitude: if such were given, and redeemed, not in a jealous, but in a wise and liberal spirit, there might be some grounds for proposing with it such a declaration in the Address. But if this were to be omitted or disguised, if the clause were to come nakedly before them, with no such intention declared or implied, if all improvement contemplated were to be reduced to projects, good perhaps in themselves, but miserably short of the wants or demands, the rightful demands of the country — he for one, did not see how any liberal Irishman, be he Repealer or not, could possibly vote for such a proposition. He should not pursue the subject farther, at the present moment, but reserve to himself the right of expressing more amply his opinions on a future and more appropriate occasion.

Lord *Eliot* said he should feel that he was wanting in his duty to an absent friend and colleague, if he did not address a few words to the House on this occasion. He had been associated with his right hon. and learned Friend for upwards of twelve months, and he could truly say that a more honourable, a more upright, or a more

kind hearted man did not exist. Let it be recollected that the first act of his right hon. and learned Friend, after he had assumed his official functions, was to accept the apology of the editors of some newspapers who had been convicted of an atrocious libel—he would not use so strong a word as atrocious—but had been convicted of a libel upon the administration of justice in Ireland. It was the wish of his right hon. and learned Friend to administer his functions in the mildest and most forbearing manner, and after the testimony which had been so fairly and candidly given in his favour by the hon. Member for Waterford, he was sure the House would feel that there was a wide distinction between a momentary act of indiscretion and a series of harsh or overbearing conduct. He thought the hon. Gentleman had put rather a false colour upon the manner in which the prosecution had been conducted. He had not been present, but he had been in the habit of seeing every day persons who attended in the court, and they unanimously concurred in the opinion that the Attorney-general had shown exemplary patience and forbearance under circumstances of great excitement and provocation. He did not believe that his right hon. Friend had been betrayed into the exhibition of any ill temper on any one occasion, except the particular one in question; and he was sure that if any instances of the kind had occurred, there would not be wanting people who would take advantage of them to denounce him as undeserving of the situation he occupied. He had thought it his duty to say these few words. He did not presume to do more than to say that his right hon. Friend, whose conduct was now so unsparingly condemned, was incapable, in his cooler moments of reflection, of doing any act that could interfere with the administration of justice by the court, but he believed the right hon. and learned Gentleman thought that base and selfish motives had been attributed to him, and that it was under that impression he had yielded to that infirmity of temper upon which the hon. and learned Gentlemen opposite had bestowed so many strictures.

Mr. *Wyse* said the noble Lord must have misunderstood a considerable portion of his remarks. He did not mean to say that he could acquit the Attorney-general of gross impropriety and misconduct in the course he had adopted. Far from it. He (the Attorney-general might, no doubt, have been affected by irritability of temper, and he (Mr. Wyse) was willing to make allowance for that infirmity, but still he said that the conduct of the Attorney-general was such as no officer of the Crown should have been betrayed into under any circumstances, especially of that particular trial, where it was of the utmost importance that the greatest calmness of temper, unswerving impartiality, and propriety of demeanour should accompany everything he said and did.

Lord *Eliot* said the hon. Gentleman had spoken with so much candour and fairness, that he should be very sorry to misrepresent his argument. He understood him to have said that he had himself been present at the speech of the right hon. Member for Dungarvan—that he considered the observations made by that right hon. and learned Gentleman to be such as exacted the observance of the greatest forbearance and good temper on the part of the Attorney-general, and that it was only on this one occasion that his right hon. and learned Friend had deviated from his proper course.

Captain *Bernal* did not think, that the noble Lord the Secretary for Ireland had so much as maintained the case which had been made out by the right hon. Baronet the First Lord of the Treasury, who had pursued the same course that he pursued upon other occasions — viz., that whilst he agreed with the hon. and learned Member for Bath (Mr. Roebuck) abstractedly, he attempted to throw a mantle over the feelings of the lost Attorney-general for Ireland. He (Captain Bernal) altogether denied, that in the conduct of the Attorney-general for Ireland, in the beginning, the middle, or the end, —he had manifested a regard for decorum, common sense, or propriety. The noble Lord had alluded to the opinion of the bar of Ireland. He (Captain Bernal) had an opportunity of being acquainted with the opinions of many members of that bar, and, as far as he had been able to ascertain, there was but one sentiment felt by all parties with respect to the conduct of the Attorney-general, and he was, by friends, as well as foes, pronounced to be totally unfit for the situation he occupied. He (Captain Bernal) fully adopted the language of the hon. and learned Member for Bath. If he were disposed to go back to former times for proofs of the unfitness of the Attorney-general for such an office, it was only necessary to

refer to 1837, when he declared that the Roman Catholics had no veneration for the sanctity of an oath, and yet in the teeth of that declaration, the right hon. Baronet appointed him to occupy his present office, being at the same time so little satisfied of his fitness, that he felt it necessary to give him a caution to be temperate. The right hon. and learned Gentleman had promised, like a good boy, never to do so again. He had given an assurance to the Home Secretary, not more than twelve hours before, that he would not lose his temper, and yet, within twelve hours afterwards, he outraged the majesty of justice, and insulted the law. He would ask the House, and from the House he would appeal to the country, whether the miserable defence, the lame and impotent conclusion set up by the noble Lord the Secretary for Ireland was satisfactory. If the law was not to be vindicated before the tribunals of the law, what vanity it was to come down to that House, and talk of the social advancement of Ireland! He called for an assertion of this principle without regard to what was past, and without regard to the forced attempt of the First Lord of the Treasury, to throw his mantle around the lost fame of the Attorney-general for Ireland. This question was totally independent of the great events that were taking place in Ireland. The conduct of the Attorney-general was wholly independent of the merits of the trials; and he called upon the House to urge upon the Government the propriety of at once dismissing that officer from his situation; or, if not, let him conclude the prosecution, and then receive his dismissal.

Lord *Stanley:* The hon. Gentleman has complained of my right hon. Friend for having, what he calls, set up a case and thrown a mantle of protection over the conduct of the Attorney-general for Ireland. If my right hon. Friend has interposed, in any degree, to shelter an absent officer from an attack couched in no very measured terms, founded upon facts which, undoubtedly, are notorious, but upon newspaper reports only, I do not think my right hon. Friend is fairly subject to the censure which is sought to be cast upon him by the hon. Gentleman who has just sat down; and I do think that it is a more worthy course, on behalf of those who do not press forward exaggerating accusations against an absent man, while they do not vindicate the specific acts which are the subjects of discussion, to consider the infirmities to which it is not the fate of the Attorney-general of Ireland alone to be liable. I have listened with great pain to the able but, I must say, needlessly bitter speech of the hon. and learned Member for Bath; and I have listened with pleasure, if pleasure can be derived from the discussion of such a subject, to the more tender, more candid language, of the hon. Member for Waterford. And I will venture to say, that my right hon. Friend did not, as the hon. Gentleman has stated, concur in the abstract with the language or the sentiments of the hon. and learned Member for Bath; but I do think that abstractedly and practically there is little or no difference between the feelings with which my right hon. Friend viewed the case and the feelings expressed by the hon. Member for Waterford. None of us pretend to vindicate the unfortunate conduct of the Attorney-general for Ireland. [*Cheers.*] But the hon. Gentleman who cheers that sentiment (Captain Bernal) may be free from all these infirmities of temper. He may be quite serene amidst, I do not say one, but a succession of purposed, continual, prepared, bitter personal taunts. The hon. Gentleman may be able to remain unmoved under such circumstances; but I cannot refrain from saying, from my long experience in this House, I have learned—I speak it honestly, and perhaps with pain—day by day, how difficult it is to sit by and hear attacks of a much more mitigated character than those made on the Attorney-general of Ireland, and not feel an infirmity which I am not ashamed to confess, and through which one may be provoked, perhaps, into a hasty and irritating reply, afterwards to be reflected on with much regret. Feeling that infirmity myself, I, at least, can make allowances for the infirmity of others. What was the position of the Attorney-general? It was not that which has been incorrectly described by the hon. Gentleman who has just sat down; it was not that the Government, conscious of the infirmities and incompetency of this officer, had thought it necessary to caution him against being led into any irritation or imprudence in consequence of any provoking language that might be used towards him; on the contrary, only a day before this unfortunate occurrence, the Government had expressed to the hon. and learned Gentleman in terms sufficiently strong and well merited that we felt greatly satisfied

at the coolness of temper, moderation, and judgment, which he had displayed in conducting the proceedings. There was no caution given to the Attorney-general for Ireland; but the Attorney-general wrote a few hours before he was betrayed into this act of indiscretion, and said,

"I see that day by day a systematic attempt is made to drive me into some act of indiscretion, which may be injurious to myself and the cause I have in hand; and I see speaker after speaker attempting to fix upon me some personal misconduct."

I am stating that which is the substance of a letter received from the right hon. and learned Gentleman but a few hours before we got notice of this event, and in which he says, that

"Although there is carried on against me, as I believe this systematic attempt to provoke me to some act of indiscretion, I am determined to keep the strictest watch over my own feelings, and not to compromise my character or prejudice the proceedings I am conducting."

[*Cheers.*] Well, the hon. and learned Gentleman (Mr. Roebuck) cheers that statement. But with all these strong resolutions, the provocation was too much for the Attorney-general. I do not conceal my regret at the fact, but I put it forward as a real and decided proof that there was no premeditated intention and no design to outrage the ordinary course of legal proceedings, or to commit any act of violence or indiscretion. But the hon. Gentleman cheered just now, as if it were impossible that the Attorney-general's idea of the course pursued could have any foundation. There is a very remarkable corroboration of that view in the speech of the hon. Member for Waterford. That hon. Gentleman has told you, in vindication of Mr. Fitzgibbon,—of whom I say nothing, and of whose speech I know nothing, except by newspaper reports,—that those expressions which appear to have given so much offence to the Attorney-general were not the expressions of the counsel himself, but language which had been put into his mouth by his client to be used in the course of the argument. That was the statement of the hon. Gentleman who heard the powerful speech of Mr. Sheil, and who most candidly and fairly stated how difficult it would have been for him to keep his temper if made the subject of attack in eloquence at once brilliant and forcible, bitter and severe, from Mr. Sheil against the Attorney-general. Mr. *Wyse* spoke of a preceding day.] Precisely so. There was a series of attacks continued from day to day for several days upon the Attorney-general. [Mr. *Wyse* dissented.] I beg the hon. Gentleman's pardon. He has spoken so fairly and candidly that I should be extremely sorry to mistake or misrepresent him. It was the first day upon which the hon. Gentleman heard the speech of Mr. Sheil, and he said how difficult he should have felt it to keep his temper if made the subject of it. The counsel who followed Mr. Sheil was Mr. Fitzgibbon, and at the close of the day, before Mr. Fitzgibbon concluded his attack, the Attorney-general fell into the trap which was set to catch him. I do not say that as any vindication of his error; but I state all these things in order to follow it up with an expression of earnest hope, that upon such information as we now possess, derived from the intelligence contained in newspapers only, not being judges of the tone, and manner, and gesture which might have accompanied words which may read as if harmless, the House will not condemn in so sweeping a manner, and in the unmitigated terms proposed by the hon. and learned Member for Bath, an absent officer of the Crown, who has been engaged, and is engaged, in what is confessedly a most arduous and laborious duty, and who is confessedly subjected to the greatest provocation, but who, in a moment of weakness, has at last been led to commit a momentary offence, for which he has already expressed his deep regret, and for which I am bound to say the Government cannot consider him wholly blameless. But I know what allowance ought to be made in such a case, and I trust it will be made, even although it was an indecent and unfit ebullition of temper. I know allowance can be made for it by the country; such allowance as, in my own heart, I candidly feel due to it from myself, who am subject to similar infirmity, and I believe that the House of Commons will show the same indulgence, and not hastily and severely condemn a public officer who has not had the opportunity of answering for himself.

Mr. Serjeant *Murphy*:—I do not think the protection cast over the Attorney-general for Ireland, by the right hon. Baronet at the head of the Government has been much improved by what has fallen from the noble Lord. Although the right hon. Baronet did not affect for a moment to vindicate the conduct of the Attorney-general, as being con-

formable to that propriety of demeanour which ought to have been maintained on so solemn an occasion, he did not allow himself to do what the noble Lord has done,—to condemn that conduct by an epithet which most forcibly and fully confirms the charge. The noble Lord has treated it as an indecent act, and he has conceded the entire question to which this side of the House, through the instrumentality of my hon. and learned Friend has called attention. The noble Lord has talked of infirmity of temper being provoked in this House, during the heat of debate, and he has thought proper to compare that, and to attempt to make that parallel to the solemn proceedings of a court of justice. Will the noble Lord permit me to say, before I come to the particular circumstances of this case, and to that particular crisis of it which is under discussion, that I do not agree with the noble Lord, that the country at large will look upon this conduct with indulgence, or even in the spirit of sufferance and toleration? But I venture to say, that there is no man in this country, be he Whig, or be he Tory, where the solemn and impartial administration of the law is regarded as the best safeguard of public liberty, who, whatever his complexion of politics, will not denounce this act as a splenetic and indecent outrage, desecrating the temple of justice; an act which would be wrong even if the humblest and meanest individual were upon his trial, but which is eminently so, if I may use the term, when an entire people is upon a multitudinous indictment dragged before the bar. How has the Attorney-general conducted himself throughout? Where are the grounds for attributing to him that calmness of demeanour and kindness of conduct for which credit has been given him? Has he acted in that spirit which has distinguished all the state prosecutions of this country? I will appeal to my hon. and learned Friend the Attorney-general for England. I will appeal to my recollection of him, when he conducted the prosecutions against the Chartists in Lancashire. I appeal to what sixty-nine men declared at the termination of the trials, when they said:—

"Whether we consider the judges, the Attorney-general, the little captiousness opposed to our eager expressions of want of knowledge of forms,—whether we look upon the whole of this trial, or the judges, or the counsel, or the jury, or the Attorney-general, the temper and demeanour of the whole has been that which teaches us, though we have failed, that the law has been vindicated with temper, forbearance, and dignity."

I am happy to confirm this testimony, for I was one of the counsel for the defence on that occasion. Would to God the same demeanour had been exemplified in the state prosecutions in Ireland! What was the first act of the Attorney-general there? He refused, by certain captious objections, every little matter that would have smoothed the way to make the defence with fairness and legality. What next does he do? He turns round upon one of the counsel for the defence, when he attempted to argue the question, and asks him—what no man in Westminster Hall would ask,—if he were licensed? Then he stands up in court, and prejudges the case against the accused, and prejudices them in the minds of the jury before the finding of the bill, by stating that he is prepared to prove the existence of a monstrous conspiracy. Throughout the whole of the case the attention of the bar in Westminster Hall has been rivetted—that hall, in which no such example of such trials and such state prosecutions, has arisen in our times,—and there is but one opinion upon the proceedings there. I was born an Irishman, though I am an English barrister, and I retain all the feelings of an Irishman, and I felt in my secret soul:—

"—Pudet hæc opprobria nobis
"Et dici potuisse et non potuisse refelli."

The accuracy of the English system has been brought in opposition to the inaccuracy of the Irish, not in the person of a humble individual, but in that of Her Majesty's Attorney-general for Ireland, in a state prosecution. But matters have gone even still further. The Attorney-general seems to have had a warning given to him—a caution lest he should make a slip. He goes on for a while; the proceedings for the prosecution drag their slow length along; then comes the speech of the right hon. and learned Member for Dungarvan. I read that speech with attention, and anything more calculated to redeem Irishmen from the imputations cast upon them by the Attorney-general I do not know. It withered the imputation of the Attorney-general that the Irish bar was destitute of talent. It was felt in

Westminster-hall that there was but one individual at the Irish bar who could make such an imputation. But the right hon. Gentleman says that he was called upon to listen to attacks made upon him by counsel for the defence. Those counsel acted upon the instructions of their clients, and even if they had used the words, why did he not know how to reserve himself, as gentlemen do where offence is given, for a private intimation after the proceedings were terminated and the trial at an end? He chose to send a cartel of defiance upon the instant, as if he would say, "Mark, I come against you as a prosecutor, but I come against you also to demand satisfaction for anything that may be said in the heat of argument for the defence." For that act alone he ought to be ignominiously dismissed. You institute these proceedings to vindicate the dignity of the law against a man who, as you say, has himself sinned against the law as never man sinned before. You have the whole of the people looking on; you have, as has been said, an indictment against an entire people; and upon such an occasion when you have concentrated upon the Court of Queen's Bench in Ireland not only the feelings of this country, but have drawn towards it the attention of Europe and America as witnesses, is it not a reproach to the law, to the impartiality of our legal tribunals, and to the judges of the land, that they should recall Mr. O'Connell, when he had retired upon one occasion into the library, into the court, to please a splenetic Attorney-general, and that they should extract from all the traversers the degrading necessity of standing at the bar as felons, instead of being treated as misdemeanants. I appeal to the Attorney-general for England, would he have insisted upon such a proceeding? I say that the Attorney-general for Ireland ought to have left the administration of the law fully in the hands of the judges, who on their part ought to have committed the Attorney-general, to prove to the assembled people, that the law is no respecter of persons, and that rigid and stern impartiality mark its administration. I am bound to declare it as my opinion, and the opinion of Westminster-hall, that if impartiality had ruled on that occasion, justice would have been vindicated and the majesty of the law upheld. That has not been done. Impartiality being the characteristic of the Government, it is now its bounden duty to vindicate the law, by at once dismissing this public officer.

Sir *J. Graham*: I feel, Sir, after what has fallen from my right hon. Friend and my noble Friend, that it is unnecessary to prolong this discussion; yet, I think I shall not act unworthily nor inconsistently with my duty, if I very shortly express my opinion upon this subject. I must take the liberty to observe, that the hon. and learned Gentleman who introduced this subject and the hon. and learned Serjeant who has just sat down are, as Members of the Bar, naturally most anxious to watch over the administration of justice; and it is in the sacred name of justice they have addressed the House on this occasion. Now, I call upon the House to remember what is the position of the case thus brought before it, A great trial is pending; Her Majesty. from the Throne, has announced that her love of justice impartially administered according to law has induced her to forbear to comment upon that trial. Notwithstanding the heat of party differences—various topics having been commented upon in the course of discussion last night, and not without some asperity, it was agreed, I thought, upon all hands, for the sake of justice, that this particular topic should, at all events, be postponsed until a verdict should have been pronounced by the jury which has been empanelled to try this indictment. Disregarding the example of last night, in the name of justice the House is called to discuss this evening a matter bearing directly upon the trials now going on. The hon. and learned Gentleman who has just sat down passed a glowing eulogium upon the speeches of the counsel for one of the defendants. Not satisfied with that, he commented in terms of praise upon the character of at least one of the accused and, with severity upon the trial itself; and I think I heard him say, in the absence of the party he assails, without giving my right hon. Friend an opportunity to defend himself, that that public officer ought to be visited with the condemnation of the House, and that this officer of the Crown ought to be ignominiously dismissed. Now, I call upon the generosity and justice of the House to deal with this last proposition. In a short time these proceedings will have terminated and this public officer will have a fair opportunity to speak in his own defence; at present he is absent from his place and cannot be heard. Is it not just to wait for this? As regards public opinion, my right hon. Friend

and my noble Friend have both declared that they are not prepared to vindicate the conduct of the Attorney-general on that particular occasion; and, as far as my opinion is concerned, I hope it will be deemed satisfactory when I say I cannot defend the act now brought under our notice. But then we must consider the circumstances under which this unfortunate occurrence took place. Will the hon. and learned Gentleman deny that strict integrity, great abilities, and accurate knowledge of the law are quite compatible with infirmity of temper and a promptitude to vindicate wounded honour in this mode, however objectionable? I am not prepared to vindicate what has occurred. I agree with my noble Friend, that the provocation which the Attorney-general for Ireland received was most irritating. I am unwilling to repeat the argument of my noble Friend; but the House will remember the testimony borne on this point by the right hon. Member for Waterford who, I must say, stated his opinion on this occasion with remarkable candour—I had almost said, with kind sympathy for the Irish Attorney-general, whose conduct is now impugned. That right hon. Gentleman admitted, that the speech he himself had heard delivered by the right hon. and learned Member for Dungarvan, as counsel for one of the traversers, was most remarkable for the point of satire and the weight of argument and eloquence with which it assailed the Attorney-general, and yet, although he was exposed for many hours to a trial of that description in his presence, I understood the right hon. Gentleman to say his demeanour was unexceptionable. My noble Friend also pointed the attention of the House to other circumstances admitted by the right hon. Member for Waterford, to which I must again refer. I did understand the right hon. Member for Waterford to admit that the line of argument pursued by Mr. Fitzgibbon and the nature of his comments on the conduct of the Attorney-general had not been suggested by the mind of that counsel, but had been dictated to him by his client, one of the traversers, smarting under the prosecution—and all this marks premeditation. The hon. and learned Sergeant the Member for Cork, has entirely misapprehended what passed with respect to the letter of the Attorney-general. The hon. and learned Gentleman seemed to think that the Irish Attorney-general had been particularly cautioned to pursue a course which should be marked by temperance and forbearance. That was not the statement of my noble Friend. The statement made by my noble Friend was this—that the Attorney-general, after the speech which the right hon. Member for Waterford had heard from the right hon. and learned Member for Dungarvan, and after the two speeches made subsequently by the other counsel, bearing with very great severity personally on the conduct of the Attorney-general—that officer did address to my noble friend the Secretary for Ireland a letter, received on the very same day on which the account of the unhappy occurrence which is now the subject of debate, reached London, in which he stated, that he was quite aware that a design was entertained of addressing a series of observations personally to him of a most exasperating character: and that aware of that intention, he was on his guard, because he felt, that whatever might be his private feelings, he had a great public duty to perform—that he would put a restraint on himself, and would not be guilty of any act of indiscretion, whatever his private feelings might be. But most unfortunately, yielding to a sudden ebullition of temper, under great exasperation and provocation, my right hon. and learned Friend the Attorney-general for Ireland departed from that highly-prudent and judicious resolution to which he had come, and committed a most unfortunate mistake, which I do not justify, but into which, under similar circumstances, others might have been betrayed. I say some allowances must in justice be made for him, and, at all events, I say it is not in a popular assembly, when attacks come from political opponents in the midst of great excitement, that there should be an appeal from a judicial tribunal that heard and saw all that passed, and was cognizant of all the circumstances that took place. It would ill become us in the heat of debate, under political excitement and at the instance of political enemies, to condemn a public officer in the very midst of a great political prosecution, when, if we will but suspend our judgment, in a very short time that officer will be present and have to answer for himself; but, above all, I repeat, it is ungenerous, when the court which heard all that passed pronounced even a limited censure on the conduct of the Attorney-general, and expressed distinctly a hope that the Attorney-general having made an apology and withdrawn the objectionable note, and the coun-

sel with whom this unfortunate dispute took place having declared himself satisfied —when the court, acting judicially, because the whole matter had been brought before them and left in their hands, had declared themselves satisfied, and hoped and desired that no further notice should be taken of the matter, and after the counsel with whom the unfortunate quarrel originated, when he had time to reflect in a manner most honourable to himself and creditable to his feelings as a gentleman (not forgetting that he and the Attorney-general were members of the same profession, and entitled to the indulgence of that profession), came forward next morning and most fully and clearly stated that he was sorry that anything should have fallen from him to irritate or wound the feelings of the Attorney-general—that he felt, if any provocation given by him should have led to a step which might be in the least injurious to the Attorney-general, he should to the latest moment of his life most deeply regret the occurrence—after matters have come to that point, the court having declared itself satisfied, the party with whom the quarrel took place having declared his entire satisfaction with the apology made by the Attorney-general, my right hon. Friend (Sir R. Peel) not having vindicated the conduct of the Attorney-general, and I deeply regretting that in the administration of justice such an occurrence should have taken place, which, I must say, is inconsistent with the dignity, decorum, and patient temper which should be held sacred as the great security both of order and peace in courts of law—I sincerely hope, after all this has occurred, that this matter will for the present be allowed to rest. Certainly, for one, I am quite prepared to share in the responsibility of my Colleagues, and entertaining the opinion I do of the honesty, the integrity, the public virtue, and the private amiable qualities of the Irish Attorney-general, I will never consent to be a party to that ignominious dismissal of him which two hon. and learned Gentlemen, members of the same profession, have this night recommended.

Mr. *Ward* could not see that the present discussion was open to the objections which had been made to it by the right hon. Baronet. It had been introduced not upon a motion, but incidentally upon a question put by the hon. and learned Member for Bath—a question referring to an individual act of indiscretion on the part of a Law-officer of the Crown—a most unfortunate act of indiscretion, as had been admitted by both the Members of the Cabinet who had spoken, committed in the course of an important judicial proceeding, and, therefore, an act eminently qualified to impair the respect in which all relating to the administration of public justice was held. The question of the hon. and learned Member for Bath, in his opinion, stood as distinct from the general rule laid down last night against discussing the merits of the proceedings now pending in Dublin, as the conduct of the Attorney-general regarding those trials had been from the ordinary course of such an officer in such proceedings. As to the amiable private qualities of the learned Gentleman, of his good intentions, and his good heart, those were questions with which the House had nothing whatever to do. He asked, whether if a public officer in the course of fulfilling a public duty, failed of doing so to the satisfaction of this House and of the country, it was not the right and duty of this House to take proper notice of the circumstance. It was alleged in defence of the Attorney-general on this occasion, that a systematic plan had been laid to irritate him, with a view of betraying him into the commission of such an unfortunate mistake as they were now discussing. But this was what was not at all admitted on the other side. Indeed the very last words of the Secretary for the Home Department disavowed such a view of the case—he alluded to the statement of the right hon. Gentleman, that on the day following the occurrence, Mr. Fitzgibbon had come down in order to heal the unfortunate breach that had occurred, and to disclaim on his own part any intention of wounding the feelings of the Attorney-general. He must say also that he did not see anything in the gentlemanly and temperate speech of the hon. and learned Member for Dungarvan, in defence of his client, which the most sensitive mind could possibly object to. But he would not admit the analogy which the right hon. Baronet adopted between ebullition of temper which sometimes took place in that House, and the occurrence of such manifestations in a court of justice. In that House they were all in eager and heated discussion, and sometimes, in moments of forgetfulness, let drop expressions which they were sorry for. But they were then immediately called to order by the Speaker, to whose

decisions they all cheerfully deferred. But in a court of justice, everything depended upon coolness of temper and decorum of proceeding; and if a Law-officer of the Crown was not able to listen to anything which might be urged by counsel in defence of a client under prosecution at the instance of the Crown, he was in his opinion the most unfit person who could be fixed upon to discharge the duties of such an office. And if there was ever an occasion when anything like personal feeling should be laid aside by a law officer, it was this very proceeding which was now going on in Ireland. He agreed with the hon. and learned Member for Cork that from the first of these proceedings there had been a great want of temper and self-control displayed by the Crown-officers; he did not allude merely to details of pleadings, but to other points also, and which all bore out the impression that unfair advantage was sought to be taken by the Government in these prosecutions, an impression which the Government should be the first to disclaim. If the Attorney-general should appear and express his regret at what had occurred, he was sure that no gentleman would wish to carry the matter any further, but still it would not relieve them all from the painful impression, that a high public officer had committed an act of great indiscretion in the execution of an important public duty; an indiscretion which no Member of her Majesty's Government had felt himself justified in standing up to defend.

Mr. *Wyse:* I wish to say a few words by way of explanation. I did not mean to imply that the client of Mr. Fitzgibbon had given him instructions to use vituperative language, or language applying in a personal manner to the Attorney-general; what I meant to say was, that the course he pursued with reference to the observations he thought it necessary to make on the conduct of the Attorney-general was in unison with the instructions he had received from his client, and appeared to be necessary to his defence; and I said so for the purpose of showing the inconvenience that would arise if on any occasion the counsel for the Crown, considering observations directed to him personally, should take upon himself to resort to measures of violence, and thus interfere with that freedom of defence to which the client had the most unquestionable right. I have only to add, that in any remarks I thought it necessary to submit to the House with regard to the position in which the Attorney-general for Ireland is now placed, and the excitement produced in his mind, I was far from implying, or wishing to imply, that there was anything like a systematic attempt by the counsel for the traversers to create such a state of feeling, or any thing which under other circumstances, and on other minds, ought to have produced such a result.

Mr. *Shaw* felt extremely sorry to be obliged to say a few words on this painful occasion, which indeed he should not have been led to do, except that the Members of Her Majesty's Government, who had spoken on the present occasion, had defended the Attorney-general for Ireland merely as an official colleague; whilst he (Mr. Shaw) had known him from the earliest period of life, as a private and valued friend. With respect to the act itself, with which his right hon. and learned Friend was charged, it must be admitted at once that no one could defend or vindicate it. The only vindication or excuse that could be offered for it was, that in a moment of strong irritation the right hon. and learned Gentleman had been betrayed to do that which all who heard him might themselves, under similar circumstances, fall into the error of doing likewise, and which, if they did it, neither themselves nor their friends could possibly defend. But admitting this, he did not think that so ungenerous and unjustifiable an attack had ever been made by any gentleman or any lawyer upon another, as that which had been made by the hon. and learned Gentleman opposite upon the right hon. Gentleman in his absence. The hon. and learned Gentleman had not only stated the charge against the absent Attorney-general, but had gone at length into remarks upon the impropriety of the act with which he charged him. Now, he thought that the hon. and learned Gentleman was not the very man in that House who should be the first to throw a stone in a matter of this kind. Did the hon. and learned Gentleman mean to say that he of all men was the one to stand up and lecture the House against the impropriety of a practice which they all were strictly bound to condemn? But what he most complained of in this attack upon his right hon. and learned Friend was, because it went not only to the ex-

tent of this particular part of his conduct, but that the hon. Gentleman opposite had talked of his right hon. Friend as a man altogether unworthy and unfit for the office which he held. Now, he considered this to be the most ungenerous and unjust attack which could possibly be made against any absent individual, and he would appeal to all sides of the House whether it was an attack which they could sanction. With respect to the general character of his right hon. and learned Friend, he would take upon him to say that there was no man in Ireland more eminent in his profession than that right hon. and learned Gentleman; or who was more high-minded in the conduct of all business entrusted in his hands. The right hon. Gentleman, he declared fearlessly, was on all hands esteemed an honour to his country, and a credit to his profession. He saw opposite the hon. and learned Member for Cashel, who was himself one of the Queen's sergeants, and he hoped that he would get up and say whether, in his opinion, the right hon. Gentleman was not an honour to his profession, and what was his opinion of his conduct throughout these proceedings. The hon. and learned Member for Cork had alluded to other circumstances in the course of these proceedings, particularly to the fact that, when Mr. O'Connell left the court to go into the library, as was alleged, the Attorney-general caused him to be called back into court, more like a felon than a misdemeanant. But was the fact as stated, or was it not rather that the traverser had made an appointment to meet the Repeal Association, and that the Attorney-general, feeling the impropriety of such a proceeding during the pending of the investigation before the court, caused him to be called back, and that not as a culprit, but as a member of the bar, with his gown on, to sit as a counsel in the court? The hon. and learned Member for Cork, and the hon. and learned Member for Bath, said that the Attorney-general for Ireland was a disgrace to his profession, and the former hon. and learned Member said that he ought to be expelled from his office with ignominy. Now he asserted that he had heard men of the highest professional rank in this country, and men of all parties in Ireland, agree in saying that upon the whole they considered that under the trying circumstances in which he had been placed, his right hon. and learned Friend had acquitted himself with the greatest ability, and temper, and in every respect in a way to do him great credit. He believed that his right hon. and learned Friend felt, and he believed that he was justified in the impression, that the object of those who were opposed to him in the case was to irritate him and run him down personally. This he believed also was the impression of the public in general; and for his own part, he sincerely believed that it being known that his right hon. and learned Friend was subject to some infirmities of temper, it was part of the system, from the beginning to the end, which was acted upon by the friends of the party, and by newspapers, and in every possible way to attack and irritate the Attorney-general, in order to unfit him for the discharge of his public duties. Now, for his part, he (Mr. Shaw) had never expressed an opinion upon the subject of these prosecutions; but he must declare that on the whole the Attorney-general had conducted himself most creditably throughout the whole of the arduous duty devolving upon him. With respect to the particular point, in which his right hon. Friend had certainly acted in a manner for which he would not attempt to defend him, it should be, at the same time, borne in mind that at the time the hostile message was sent to Mr. Fitzgibbon, the court was actually not present. If they had been present when such an occurrence took place, there could be no doubt but that the court would have at once interposed with its authority, and it would be recollected also that when the court reassembled, on the matter being brought before it, the Chief Justice expressed himself in the strongest terms of displeasure at the occurrence and the note was withdrawn. So far from the court being called upon to do more than it did, he would undertake to say that no court in Christendom would have committed the Attorney-general under such circumstances. The matter complained of was not done in the sitting of the court, there were no proceedings going on at the time. He must say that the case, having been disposed of by the proper tribunal, he thought any allusions to it had better be avoided elsewhere. Above all things he considered an attack of this nature upon an absent individual was most unjust and ungenerous, and he hoped the House would not sanction it.

Dr. *Stock* said, he should have desired to decline taking any part in the present discussion, but in consequence of the appeal so directly made to him by his right hon. and learned Friend, he found such a course was no longer possible. The right hon. and learned Gentleman had called upon him to bear testimony to the private and professional character of the Attorney-general for Ireland. To those topics, therefore, he should strictly confine himself. With respect to the mode of conducting the state trials that were at present engrossing the attention of the empire, he could not say that he was prepared to lend his testimony to what had fallen from the right hon. Member. The right hon. Attorney-general had shown on this occasion, as in every other part of his professional life, a profound knowledge of the law and very great ability. And he would also say, although he had not himself been personally a witness to the proceedings in Dublin, that the right hon. Gentleman had exhibited, under very trying circumstances —until the last unfortunate exhibition— a control of temper which neither his friends had hoped for, or his enemies anticipated. No public officer who had ever discharged duties of such importance on so critical an occasion had ever been placed under circumstances which called more decidedly for the exercise of judgment and temper; and he was prepared also to state this from his belief that there were not wanting inducements on the other side to bring to the test those infirmities of temper which had been attributed to the Attorney-general. He made no individual accusation, but in common fairness he repeated, that taking every circumstance into consideration, the Attorney-general had acted, up to the last unfortunate incident, with more than the temper that was usually expected from him. In the course of his life he had known the right hon. Gentleman intimately and well; and he would say that a better man—a more honourable man, or one who more virtuously filled all the relations of private life, did not exist in the community. He was also an honour to his profession—he was a man of the greatest legal learning and acuteness—and up to the moment when he was selected as the Attorney-general of the present Government he had entitled himself to and enjoyed the universal deference and respect of the profession; while, at the same time, in private life, he was a man of the most unexceptionable character. Notwithstanding, he thought the choice of the right hon. Gentleman as Attorney-general was a most unfortunate one. Considering the nature of the plans entertained by the present Government for the administration of affairs in Ireland, they had not perhaps made choice of the fittest instrument for carrying those plans into execution. There were other members of the Conservative bar of that country who would have been more peculiarly qualified for the duty than Mr. Smith. At the same time, as he had already said, a more excellent man or a better lawyer did not exist.

Lord *Ingestre*, having been present during part of the proceedings in Dublin, could bear testimony to the propriety of the Attorney-general's conduct under circumstances of great difficulty and provocation; among others, he need only remind the House of the expression of Mr. O'Connell with respect to him, used elsewhere, when he said, "No verdict; no chief justice." He only mentioned this as an instance of the attacks the Attorney-general met with from all quarters. He repeated, that the Attorney-general conducted himself with the greatest politeness and kindness of demeanour during the trials.

Mr. *Wallace* said, from all he had heard there was no man who had more occasion to exclaim, "Defend me from my friends," than the Attorney-general for Ireland. From all he had heard from the opposite side of the House, beginning with the noble Lord the Member for North Lancashire, and ending with the right hon. and learned Gentleman opposite, it seemed to be agreed that the right hon. Gentleman was the most unfit person to fill the situation of Attorney-general who could possibly be supposed to occupy it. Indeed, they had had an instance of his incompetency in this House last Session, in the conduct of the Arms' Bill; and in which the Attorney-general for England was obliged to do all his work. What had been the conduct of Government in reference to other parties connected with the administration of justice? He alluded to those gentlemen in the commission of the peace, and who possessed the confidence of the people. When certain of those gentlemen were found by the Government to be favourable to the Repeal of the Union, they were at once removed from the commission without any trial or investigation whatever. There were no three-

cornered notes in their cases. No such course, however, was to be pursued towards the Attorney-general for Ireland. The temper of that right hon. and learned Gentleman was well known. The House had been a witness of his irritability during the debates on the Arms' Bill of last year, and he would say that he was the last man who should have been trusted to conduct the prosecution now going on in Ireland, and that he was totally unworthy of the situation he filled. It could not be charged to that (the Opposition) side of the House that the question had been brought forward that evening. The fault was in the introduction of the three paragraphs in the Speech, and in the Address, referring to the affairs of Ireland, and to the proceedings now going on there. He could not see for what purpose those paragraphs had been introduced, unless to muzzle the House, and that purpose being seen and understood, the Government had themselves only to blame that the subject had been discussed on the present occasion. He should support the amendment of his hon. Friend the Member for Rochdale for the omission of the words.

Mr. *Brotherton* did not rise to make reflections or cast imputations on the Attorney-General—but rather seized upon this as a fitting opportunity for eliciting from the House the expression of their strong disapprobation of a practice, which all must acknowledge to be contrary to the law of God, and opposed to every principle of that religion which the House testified so anxious a desire to uphold. Much had been said in palliation of the Attorney-general's conduct on that side of the House, where it seemed to be thought, that, had he waited till the termination of the proceedings before sending his challenge, his course would not have been open to animadversion. Was not the crime that of murder? Why should not criminals brought to the bar for other heinous offences, be equally entitled to plead the infirmity of human nature in extenuation of their crimes? Let men fear to do wrong; but let them not fear to brave public opinion, when engaged in the defence of that which is just and right. The man who sent, and the man who accepted a challenge ought to be disgraced in the eyes of the country; and then, when it was no longer fashionable to fight duels, other modes would be discovered for the adjustment of differences. The hon. Member concluded by calling on the right hon. Baronet at the head of the Government to lend his powerful influence, for the purpose of putting a stop to this iniquitous practice.

Mr. *Curteis* would vote for the amendment, and thought the Government had only themselves to blame for it being brought forward, for if they had not wished the subject to be discussed, why was any allusion made to it in the Speech? It was argued that to discuss the question now might have the effect of influencing the verdict in Dublin, and he agreeing with those who wished a fair verdict to be given, unbiassed by anything that might take place in that House or elsewhere, was anxious to expunge altogether from the Address all those passages that related to Ireland and the proceedings now going on in that country. He regretted that the noble Lord, the leader of the Opposition, had not yesterday moved an amendment expressing the disapprobation of the House at the conduct of the Government towards Ireland, which might have united the whole strength of the party on that side of the House, instead of leaving the party to be divided as they were on the previous day, and their strength frittered away by amendments which few could support, and in which he had been compelled to vote in two divisions with the party on the other side. He gave credit to the right hon. and learned Member (Mr. Shaw) for the warm and manly manner in which he had defended his absent friend the Attorney-general for Ireland. He (Mr. Curteis), while he joined in condemning such an ebullition of temper as that law officer of the Crown had exhibited in a court of justice, could not go so far as to say that he thought his conduct called for his dismissal.

Sir *H. W. Barron* had understood the noble Lord the Secretary for Ireland to say, that the Attorney-general for Ireland had conducted himself with remarkable temper and forbearance during the state prosecutions in Dublin. Now, with great respect for the noble Lord, he must beg leave to tell him that he had been grossly misinformed, for he knew the noble Lord was incapable of misrepresenting facts that came within his own knowledge. He (Sir H. Barron) had been an attentive observer of these proceedings, and he must assert that never in the whole course of his reading and experience, had he become acquainted with an instance in which

such gross want of temper had been exhibited, and such insulting language had been used under similar circumstances. During the whole of those transactions, from the beginning to the end, the conduct of the Attorney-general for Ireland had been characterized by want of temper, want of judgment and want of discretion. What had happened at the very commencement of the prosecution? Three of the solicitors employed by the traversers had made an affidavit that it was necessary for the purposes of the defence to have certain papers, and that leave should be given to collect evidence; and they stated that unless this was conceded it would be impossible that the defence could be conducted with justice to their respective clients. And notwithstanding that statement made upon oath by those gentlemen, the Attorney-general had gone down, and upon his *ipse dixit*, unsupported by any affidavit, told the Court that the application of the three solicitors was made for the mere purpose of delay. A more unusual and improper proceeding—a more gross attempt to pervert justice, had never been witnessed; and so strongly was that opinion entertained by the Court itself, that the Chief Justice reproved the Attorney-general for making use of language so improper. And in the presence of the Court the Attorney-general was obliged to retract the words he had used, and apologise to the three attorneys who had made the affidavit. [Mr. *Shaw:* You are surely speaking of some one else], [A *Voice:* Mr. Brewster]. Although the facts he had been narrating applied personally to another of the Crown counsel, the Attorney-general was present and took part in the whole proceedings. Again, in opening the case, the Attorney-general had not taken the usual course of stating the charge, and saying he should bring forward witnesses to prove it, but he told the Court that he knew of his own knowledge, and could prove, that the traversers were implicated in a most formidable conspiracy. Aggravating the case in every position, and using the most violent language to every one of the traversers in rotation. Such language would not be tolerated in the Courts of this country, and had never been employed by an Attorney-general for England, in conducting a Government prosecution. Then, again, the Attorney-general for Ireland had struck out the name of every Roman Catholic that was on the jury panel. The Catholic portion of the people of Ireland felt this to be an insult offered to them, whilst its injustice to the accused was apparent, by the fact that not one name had been left upon the panel from which the jury was to be chosen, but those of persons who were notoriously opposed to the traversers in politics, and more especially so upon the point upon which the trial turned. Why if a foreigner—if a Turk were accused of a crime in this country, he would be tried by a jury composed partly of foreigners; but in Ireland a man was to be tried for a political offence entirely by his political enemies. And let him ask, if a verdict were obtained, what moral effect would it have in this country? He believed the conduct of the Irish Attorney-general, in reference to these trials, had produced more animosity and ill-feeling in Ireland, and more danger to the British connection, than anything that had occurred for fifty years before. The Roman Catholics of Ireland felt they were insulted by the present Attorney-general being continued in office. On this point there was but one opinion amongst them; an opinion shared by those who were opposed to repeal as well as by those who were in favour of it; and he could assure the Government that they need never expect to rule Ireland in peace or quiet while the present Attorney-general held office. With regard to the question before the House, he thought it would have been far better had all mention of the subject of the repeal of the Union been omitted from the Speech from the Throne. Under the direction of Ministers Her Majesty had already expressed the determination to maintain the Union inviolate. It was, therefore, quite unnecessary to repeat that declaration, and he found that the only effect it could have, would be to bias the jury now sitting in Dublin. The prosecution would, he was convinced, do much mischief in Ireland, but the mention of them in the Speech and in the Address in answer to it, would, he feared, do much more.

Mr. *Hume* concurred with his hon. Friend who had proposed the amendment, that it would be most improper for that House to do anything which might prejudice the trials now going on, or injure the traversers. The only question whether the words to which reference had been made, as contained in the Speech

and in the Address would have that effect. And upon this point, the authorities of the House were divided. They were to consider, whether the words in question did convey the meaning imputed to them by his hon. Friend, and whether or not any harm would be done to the Address by omitting them from the Address. It was disclaimed on the other side, by the right hon. Gentleman, that there was any intention of injuring the cause of the traversers by the insertion of the words, while on his side it was as strongly contended, by the hon. and learned Member for Bath, and others, that that result would follow. He would, therefore say, that the better course would be to admit the amendment.

Dr. *Bowring* would vote for the omission of the words. If it was intended to maintain the Union between Great Britain and Ireland by measures like those which had recently been brought to bear in that country, he was convinced, that Union could not be of long continuance. And he would ask those who attached importance to the word union, whether they considered the Union, was represented by what was now taking place in Ireland ! Were the courts of justice in that country to be so constituted as to exclude the professors of the religion of seven eighths of the whole population from the humblest judicial functions? If that was the law in Ireland it was unjust, and it was not surprising that it was found to be intolerable; and if it was not the law, he would ask by what extraordinary means was it that the protection of the law was denied to those who were the subjects of the state prosecutions in that country? He concurred with his hon. Friend the Member for Salford (Mr. Brotherton) in abhorring the practice of duelling, and when he saw in the highest and most exalted places—in the sanctuary of justice—in the faces of those who represented the law, or ought to represent it, in all its dignity and majesty—that there the law was violated, and so gross an offence was committed by a Gentleman who was charged by the Government with the maintenance of the peace, he thought some expression of their condemnation of such conduct was called for. He regretted to perceive a great disposition to slur over the conduct of that officer, and to regard it in a light and trifling manner. There was a great demand in Ireland for local legislation, and when he saw what had been done by the House of Commons for the well-being of England, Scotland, and Wales, he feared much of the outbreak they witnessed in Ireland, was the result of a national feeling, that the House of Commons was not competent to the task of discharging its duties to the whole community for which it undertook to legislate. Thirty years ago Mr. Ricardo had expressed a strong opinion, that the Union could not be maintained with Ireland. He did not think it wrong for an Irishman to say, that the Union was pernicious to the interests of his country if he thought so, nor that an Englishman would be wrong, in listening to the argument in support of that opinion. Why was he to say, that under no circumstances should Ireland have a local legislature? Why was he to say that this particular act comprises the concentration of human wisdom, and under no circumstances must it be changed ? If he consented to this Address it would imply that his opinion was forestalled, and therefore, he should support the amendment.

The House divided, on the question, that the words proposed to be left out, stand part of the question :—Ayes 142 ; Noes 35 : Majority 107.

List of the AYES.

Acland, T. D.	Corry, rt. hon. H.
A'Court, Capt.	Cripps, W.
Adderley, C. B.	Darby, G.
Allix, J. P.	Dickinson, F. H.
Antrobus, E.	D'Israeli, B.
Arbuthnott, hon. H.	Douglas, J. D. S.
Arkwright, G.	Drummond, H. H.
Bailey, J.	Dugdale, W. S.
Bailey, J. jun.	Duncan, Visct.
Baillie, H. J.	Eliot, Lord
Baskerville, T. B. M.	Escott, B.
Beckett, W.	Estcourt, T. G. B.
Bell, M.	Farnham, E. B.
Bentinck, Lord G.	Flower, Sir J.
Boldero, H. G.	Follett, Sir W. W.
Borthwick, P.	Ffolliott, J.
Botfield, B.	Forster, M.
Brocklehurst, J.	Fuller, A. E.
Bruce, Lord E.	Gaskell, J. Milnes
Buckley, E.	Gladstone,rt.hn.W.E.
Campbell, J. H.	Gordon, hon. Capt.
Cardwell, E.	Gore, M.
Chetwode, Sir J.	Gore, W. O.
Clayton, R. R.	Goulburn, rt. hon. H.
Clerk, Sir G.	Graham, rt. hn. Sir J.
Clive, Visct.	Granger, T. C.
Cochrane, A.	Greenall, P.
Compton, H. C.	Greene, T.
Conolly, Col.	Grimsditch, T.
Coote, Sir C. H.	Halford, H.

Hall, Sir B.	Newdegate, C. N
Hamilton, J. H.	Newport, Visct.
Hamilton, G. A.	Nicholl, rt. hon. J.
Hamilton, W. J.	Northland, Visct.
Hamilton, Lord C.	O'Brien, A. S.
Hardinge, rt. hn. Sir H.	Paget, Lord W.
Hardy, J.	Pakington, J. S.
Hastie, A.	Peel, rt. hon. Sir R.
Heneage, G. H. W.	Peel, J.
Henley, J. W.	Plumptre, J. P.
Hepburn, Sir T. B.	Pollington, Visct.
Herbert, hon. S.	Pollock, Sir F.
Hervey, Lord A.	Pringle, A.
Hodgson, R.	Rashleigh, W.
Holmes, hn. W. A'Ct.	Round, J.
Hope, hon. C.	Rushbrooke, Col.
Hope, G. W.	Russell, J. D. W.
Hornby, J.	Scott, hon. F.
Hussey, A.	Shaw, rt. hon. F.
Ingestrie, Visct.	Sibthorp, Col.
Jermyn, Earl	Somerset, Lord G.
Jolliffe, Sir W. G. H.	Stanley, Lord
Jones, Capt.	Stewart, J.
Knatchbull, rt. hn. Sir E.	Sutton, hon. H. M.
Lawson, A.	Tennent, J. E.
Lefroy, A.	Thesiger, F.
Lincoln, Earl of	Tollemache, J.
Lockhart, W.	Trench, Sir F. W.
M'Geachy, F. A.	Turnor, C.
Mackenzie, W. F.	Vane, Lord H.
Maclean, D.	Vesey, hon. T.
M'Neill, D.	Williams, W.
Manners, Lord J.	Wodehouse, E.
Martin, C. W.	Wood, Col. T.
Master, T. W. C.	Wortley, hon. J. S.
Masterman, J.	Wyndham, Col. C.
Maxwell, hon. J. P.	Yorke, hon. E. T.
Meynell, Capt.	Yorke, H. R.
Miles, P. W. S.	Young, J.
Mitchell, T. A.	
Morgan, O.	TELLERS.
Morgan, C.	Fremantle, Sir T.
Napier, Sir C.	Baring, H.

List of the Noes.

Barron, Sir H. W.	Muntz, G. F.
Bernal, Capt.	Murphy, F. S.
Blewitt, R. J.	Murray, A.
Bodkin, J. J.	Pattison, J.
Bowring, Dr.	Plumridge, Capt.
Brotherton, J.	Rawdon, Col.
Busfeild, W.	Roebuck, J. A.
Curteis, H. B.	Scholefield, J.
Dawson, hon. T. V.	Scott, R.
Duncombe, T.	Stock, Serj.
Dundas, Adm.	Strickland, Sir G.
Elphinstone, H.	Tancred, H. W.
Esmonde, Sir T.	Villiers, hon. C.
Fielden, J.	Wakley, T.
French, F.	Wallace, R.
Gibson, T. M.	Wood, B.
Gore, hon. R.	TELLERS.
Hume, J.	Crawford, S.
Langston, J. H.	O'Conor, Don

Main question again proposed.

Mr. *F. Ffrench* complained, of the Government appointments in Ireland, under the present Ministry. Patronage had been almost exclusively bestowed upon Englishmen and Scotchmen, to the exclusion of natives of Ireland. The Lord-lieutenant was an Englishman—the Chief Secretary for Ireland, was an Englishman—the Archbishop of Dublin, was an Englishman—the Chief Commissioner of the Board of Works, was an Englishman—the Paymaster of the Civil Service, was a Scotchman—the head of the Constabulary force, was also a Scotchman—the head of the Revenue police, was an Englishman—the Poor-law Commissioners, were Englishmen—the head of the Coast guard was an Englishman, and as to Lord Devon's landlord and tenant commission, its constitution, he considered, to be an insult to Ireland. He certainly thought it very hard, that such a system should be adopted and so strenuously persevered in.

Sir *Robert Peel*; I will not characterise the attack, which the hon. Gentleman who has just sat down has made upon the Government. It is true, Sir, that we appointed five commissioners to inquire into that most important subject, the relation of landlord and tenant in Ireland—to enquire into the state of the law relative to the occupation of land. Sir, the whole of these five gentlemen are proprietors of land in Ireland. It certainly was desirable that one of them should have a knowledge of English law as bearing upon questions relative to the occupancy of land. There was a nobleman, the proprietor of great estates in the south-west of Ireland, and who has also been a Master in Chancery, and who had thus many opportunities of becoming acquainted with the bearings of English law as to land; this nobleman being willing to undertake the duties, and able to bring his legal knowledge to bear upon the question, and being also peculiarly fitted for the task from the circumstance of his having undertaken personally the management of his Irish estates—having managed these estates well, and showed great sympathy with the occupying tenantry — this nobleman, I repeat, was placed at the head of the commission, and because he was so placed—assisted, mind, by four gentlemen, differing, indeed, in opinions, but all alike in the possession of the highest reputation for honour, intelligence, and integrity—and the hon. Gentleman calls this com-

mission a specimen of the insults offered by the Government to the people of Ireland. I ask the House whether the imputation be a just one? With respect to the secretaryship of the commission, I must remark that in such cases it is usual for the Crown to name a chief secretary. Now, Sir, we expressly declined either to nominate or suggest a gentleman to fill the office. We told the commission that they should have ample pecuniary means for the support of an establishment necessary for the extensive enquiries in which they were about to engage; but with respect to patronage, that the Government would never issue a single appointment—they would not even name a secretary, but having the fullest confidence in the gentlemen forming the commission, they would devolve that duty upon them. Thus, Sir, the whole of the five commissioners are Irish proprietors, I may say, that four of them, at least, are Irish residents, while the other visits Ireland every year. The reason, I repeat, why the Earl of Devon was appointed to the head of the commission was, not that he was an Englishman, but that he had a knowledge of English law and practice relative to the land which it was desirable to introduce for the benefit of the Irish tenantry.

Mr. *Sharman Crawford* wished to say a few words, for he felt that he should not be doing justice to the commission did he not state his firm conviction, founded upon a personal examination of two days to which he had been subjected, that the commission was most intent upon the best mode of fulfilling its duty, and was most anxious to procure the best information. In the last Session of Parliament, upon the occasion of the discussion of the bill relating to landlord and tenant, which he had introduced, the Government had pledged itself to institute inquiries into the subject of that bill, and he had to express his thanks for the appointment of the commission, and to acknowledge that, by its constitution, the Government had faithfully performed the promise made last Session.

Sir *R. Peel:* I ask the House to suspend its judgment on an occasion of this kind until Government has an opportunity of refuting the charges brought against it. And I ask, upon future occasions of the sort, should they arise, to bring their experience of this evening to bear, and to remember, first, the charges made by the hon. Gentleman, the Member for Roscommon, with respect to an insult to Ireland, and afterwards the reply made by the hon. Gentleman, the Member for Rochdale. I ask for no other refutation than the words of the latter hon. Gentleman to the charges of the former.

Mr. *F. French* denied having made any attack upon the Earl of Devon sufficient to justify the tone assumed by the right hon. Baronet opposite. However, he feared not the right hon. Gentleman's reply. Both attack and reply would go forth to the country, and the House would see what the people of Ireland would think of both.

Sir *Robert Peel* had not charged the hon. Gentleman with having made an attack upon the Earl of Devon. The hon. Gentleman had made no such attack, and he had not imputed it to him. But he had complained that the hon. Gentleman had said, that it was an insult to Ireland, that the Earl of Devon had been selected for the head of the commission.

Irish Registration.] Mr. *T. S. Duncombe* rose, in pursuance of the notice which he had given the night before, to call the attention of the House to the paragraph in the Address, in which allusion was made to the law of Registration of Voters in Ireland. The point to which he wished to call especial attention, was the latter part of the paragraph in question. It began—

"To thank Her Majesty for recommending that we should take into our early consideration, the enactments at present in force in Ireland, concerning the registration of voters for Members of Parliament."

So far there was no objection; but he had an objection to the next sentence, which was as follows;—

"And for your Majesty's gracious intimation that we may probably find that a revision of the law of registration, taken in conjunction with other causes at present in operation would produce a material diminution of the number of county voters, and that it may be advisable on that account to consider the state of the law with a view to an extension of the county franchise in Ireland."

Now, he proposed to leave out the latter part of the sentence, and to substitute an assurance—

"That Her Majesty's gracious recommendation shall receive our immediate attention, with a view to the amendment of the representation in Ireland."

The object of this amendment, the House would perceive, was to make the consideration which they promised to give to the state of the franchise general, and to extend it alike to boroughs, cities, and counties. He knew not why the recommendation confined their attention to the county franchise exclusively. When the noble Lord opposite introduced his bill in the year 1841, for the improvement, as he called it, of Irish registration—when he expressed so much virtuous indignation at the corrupt state of the exercise of the franchise—the noble Lord's Registration Bill was not confined to counties, it extended to the franchise generally in Ireland, and he (Mr. Duncombe) wished to know why they should now limit their consideration to counties. He found it stated in the paragraph in question, that a revision of the law of registration would "probably" produce a great diminution in the number of county voters. "Probably"! Why, it was notorious—the fact had been ascertained already. It was known to all in the House and out of it, that from some cause or other, a gradual diminution of the voters had been going on for many years; and he found that it had been stated to the House last Session by the hon. Gentleman, the Member for the county of Limerick, that between 1837 and 1843, the constituency of Ireland had been reduced from 109,000 to 84,000. It was almost a mockery to talk of "probably" finding a diminution in the franchise of Ireland. It was notorious to the House; and in the address issued by the Repeal Association, next to the national Church, the state of the franchise was represented as one of the monster grievances of the country. The hon. Gentleman proceeded to read the passage alluded to, which stated that from the technical and complicated condition of the law relating to the acquisition and tenure of the franchise, it had been daily becoming more limited, until it was almost useless for any practical purpose. The hon. Gentleman continued—Government was certainly deserving of praise for bringing forward the subject of Irish registration: but he did not see, he repeated, why they were to be limited to the condition of county voters. He was glad to see that the Ministry appeared to have thrown overboard the finality principle; he congratulated them, he congratulated the House and the country, upon the advance which they had made in so doing. They had proposed to bring in a new Reform Bill for Ireland. It was very necessary that this should be done, but do not confine it to county voters. The hon. Gentleman concluded by proposing his amendment.

Sir *R. Peel* trusted that the House would not go into any discussion upon the question of the reform of the Irish representation. The proposed bill was not at present before the House, and nothing could be more inconvenient than to approach its discussion, the House being necessarily ignorant of the provisions of the measure in question. He thought he could give a complete and satisfactory answer to the observations of the hon. Gentleman opposite. There was nothing in the Address, acquiescence in which would pledge hon. Gentlemen to any opinion upon the subject of Irish representation. There was nothing in the Address to prevent any Gentleman who might think that the Irish franchise ought to be extended from afterwards submitting any proposition upon the subject unprejudiced by his concurrence in the paragraph in question. They proposed to amend the registration in Ireland. It was impossible to accomplish this without considering the state of the registration in the counties. There were other causes in action independent of the registration, tending to reduce the number of county voters. The provisions of the bill, which they proposed to introduce, would affect the county, not the borough and city voters. As there were causes which affected county, but not borough voters, and as they were about to propose a system affecting these causes, they accompanied the announcement with a pledge that Government would call the attention of the House to the county franchise. Such was the pledge on the part of Government, and a concurrence in the assurance to that effect contained in the Address would not have the effect of binding the opinions of any hon. Gentleman as to the general question of the Irish franchise. He hoped that the hon. Gentleman opposite would see that there was no necessity for pressing his amendment, and that the pledge followed logically from the opinion which the Government had expressed upon the subject. All that they undertook to do was, that as the registration affected county voters, they would introduce ample provision to pre-

vent the diminution in the number of voters caused by the system of revision in the bill which they would submit to the House.

Sir *H. W. Barron* did not think it was necessary to press the amendment to a division. The paragraph pledged the Government to an increase of the franchise as regarded counties. He did not wish to go into the full question of Irish registration, but he would say, that if the right hon. Baronet opposite would look into the matter, he would find that in Ireland, in the cities, and towns, and boroughs, there was quite as much reason for increasing the franchise as in the counties. The right hon. Baronet would also find, that in a poorer country the same qualifications for the franchise were demanded as those exacted in a much richer country.

Mr. *T. Duncombe* said, that upon the understanding that they were to be in no way pledged in respect to the general question of the franchise in Ireland, by acquiescing in the paragraph in question, he would have no objection to withdraw his amendment.

Amendment withdrawn.

Bank of England.] Mr. *Blewitt* inquired what course the Government intended to pursue with respect to the paragraph in the Address relating to the Bank of England and other banking establishments?

Sir *R. Peel* said, that the course which he had every reason to think would be pursued, would be, that whilst the Ministers of the Crown would not propose to institute any new committee of inquiry, they would take the responsibility of calling the attention of the House to the charter of the Bank of England, and to other banking establishments. He was not prepared to fix any time for the motion, but it would be brought forward at such a period as would insure its fullest consideration, and ample notice would be given.

Report agreed to.

To be presented to Her Majesty by the whole House.

House adjourned at ten o'clock.

HOUSE OF COMMONS,

Saturday, February 3, 1844.

Death of the Duke of Saxe Cobourg-Gotha — The Address.] Sir *R. Peel* said, that in the course of the discussion last night on the Report on the Address to Her Majesty, he had stated, that he had reason to believe, in case the Address should be then agreed to, Her Majesty, in answer to any communication which might be made to her to learn her pleasure as to the reception of the House, would probably name two o'clock this day; and he had given this intimation that hon. Members might have the opportunity of paying their respects to Her Majesty. In consequence of the intimation, the Report of the Address having been agreed to, it was ordered that the Address should be presented by the whole House this day, and Her Majesty would have adhered to the arrangement he had notified; but it was his painful duty to state, that in the course of that morning, intelligence had been received, which, though not direct and conclusive, still there was too much reason to fear was true, of the death of the reigning Duke of Saxe Cobourg-Gotha, the father of his Royal Highness Prince Albert, the Consort of Her Majesty. Under these circumstances, the House could not expect an adherence to the arrangement, and he would, therefore, move, that the order for the presentation of the Address by the whole House be rescinded; and that, under the circumstances of this case, the House should depart from the usual course, and that the Address should be presented by such Members of the House as were Members of Her Majesty's Privy Council.

Order discharged, and motion agreed to.

House adjourned.

HOUSE OF LORDS,

Monday, February 5, 1844.

Minutes.] *Took the Oaths.*—Earl of Chesterfield.

Public.—1ª. Teachers of Schools (Ireland).

Petitions Presented. By the Earl of Powis, from Morton, Llanddoget, and Bath Lay Church Association, against Union of Sees of St. Asaph and Bangor.—By the Duke of Richmond, from Morpeth Union, for Alteration in the Poor-laws.

Answer to the Address.] The *Lord Chancellor* reported Her Majesty's gracious answer to the Address;—

My Lords,

I thank you for this loyal and dutiful Address.

It is the first Object of My Wishes to promote the Welfare of my People; and I rely with Confidence on the Assurance of your Support in framing such Measures as the Interest of the Country may require.

Abolition of the Slave Trade.] Lord *Brougham* wished to ask his noble Friend, the Secretary of State for Foreign Affairs, whether it was in his power, consistently with his public duty, to give him any information on a subject of very great and general interest. A great deal of uneasiness and anxiety had been excited amongst persons who wished for the abolition of the Slave Trade, in consequence of some reports respecting the course taken with reference to negotiations that were now going on relative to the treaties of 1833 and 1838, on the subject of the Right of Search. Pending any negotiations, he certainly did not wish to press for any information that it might be inconvenient to the public service for his noble Friend to communicate. Perhaps, however, his noble Friend would be kind enough to say a few words that might answer the purpose which he had in view, namely, to allay the anxiety which prevailed in the country upon this subject.

The Earl of *Aberdeen*: No doubt very great interest was felt upon this subject, for it was one of the greatest importance. For the part which his noble and learned Friend had taken, it was perfectly natural for him, and, perhaps, he might say, it was his duty, to put the question which he was now about to answer. It was perfectly true that the French Government had desired that some modification might be introduced into the treaties establishing the Right of Search, which, without impairing their efficiency, might render them more conformable to the views of the French public and of the French naval service. It was not for him to say what might be the result of these propositions, but his noble and learned Friend and the House might be assured that nothing would be done which could in any degree impair or cripple our exertions in the cause of humanity, or interfere with the great effect of those treaties. He must do the French Government the justice to believe that their object was the same as ours. He knew that the French ministers were as desirous of seeing the total abolition of the Slave Trade as my noble and learned Friend himself was; and with this belief and this knowledge, any propositions coming from them were at least entitled to receive the most ample and the most candid consideration. With respect to the question which his noble and learned Friend had asked, he must observe, that he had heard the same report, but at the same time he must add, in a manner tending to confirm and countenance the unfounded and calumnious representations that had been made on the other side of the water. It had been the habit of those persons, as their Lordships knew, to maintain that we cared very little for the abolition of the Slave Trade, and that our real object was the Right of Search, and that, by that right, we wished to disgrace and insult the French marine, and also to acquire certain information respecting French commerce, which would afterwards turn to our own advantage. Incredible as this appeared, it was both asserted and believed in France. Why the fact was, that we submitted five times as many vessels to the Right of Search as the French did, and we should have very useless persons indeed as our consuls abroad if we did not obtain from them better information respecting the commerce of France than we could expect to gain from the exercise of this Right of Search by our cruisers. In this country it certainly seemed that the Right of Search was spoken of as a great good and a great advantage. No doubt it was most valuable as one of the means of promoting the abolition of the Slave Trade; but for himself he must say, that so far from considering it as a good, he must look upon it as an evil—an evil only to be justified by the great object for which it had been established. Nothing else could justify the sacrifice which was made on the part of this country in submitting to the Right of Search—a right to which from the nature of our mercantile marine we submitted in a much greater degree than France or any other country. He was not disposed on the present occasion to say further what might be the result of our communication with France to which his noble and learned Friend had alluded, and, perhaps, the few words which he had now uttered would prove satisfactory both to him and to the House generally.

Lord *Brougham* said, he should be very unreasonable, if he did not at once express himself perfectly satisfied with the statement of his noble Friend. He must join with his noble Friend in giving credit to the French ministry for the most anxious desire to put an end to this most detestable and abominable traffic. There had gone an idea abroad among the honest and intelligent people of France (perhaps from some feeling of security of national honour), that this mode of putting down the Slave-trade was inconsistent with their national welfare and interests. His noble Friend had now given the most unanswerable refutation to any such notion; for, if we sought this Right of Search,

"——hanc veniam petimusque damusque vicissim,"

we conceded the right on our part. We have five or six ships searched for every single French vessel that was searched. We, consequently gave up much more than the French did, and yet we did not consider ourselves dishonoured by doing so. He entirely agreed with his noble Friend in thinking, that instead of the Right of Search being a desirable arrangement, or a good *per se*, some mode should be devised for repressing the Slave-Trade without it. In dealing with this question, one of his propositions was, that when England had entirely abolished her own Slave-trade, she had done nine parts in ten of what was her own duty, and that strictly speaking, whatever she did beyond that was in the nature of a work of supererogation. God forbid, however, that having washed their own hands of the stain, they should not, for the sake of humanity, and of Africa, seek to induce other nations to do the same. They must, however, never forget that though they were philanthropists and statesmen, legislating for the welfare of Africa, they were also European and English statesmen, and that their primary object must now be the preservation of peace among the nations of Europe. They must not risk that first and greatest blessing for the sake of any work of supererogation. To do so, would be the most preposterous attempt that any great nation could lend itself to.

Military Force in Ireland.] The Duke of *Wellington* said, the noble Earl opposite (Earl Fitzwilliam) had given notice of his intention to move that evening for a return of the number of the forces in Ireland, and of the expense incurred in the fortification of barracks and other stations for troops in Ireland, at certain specified periods. He now rose to state that it was not the intention of Her Majesty's Ministers to make any objection to the motion. He wished, at the present moment, that noble Lords should continue that forbearance from all discussion with reference to Ireland, which was shewn on Thursday last—from all discussion that could operate in the least degree injuriously or unjustly towards any party whatever.

Earl *Fitzwilliam* assured the noble Duke that it was quite unnecessary for him to offer any suggestion to him to abstain from making any remarks contrary to the understanding acquiesced in by everybody in that House, in abstaining from all comment on the affairs of Ireland, which might be inconsistent with the state of mind which everybody desired to keep, during the time that the trials were going forward in that country. He was glad, that the noble Duke and Her Majesty's Ministers would not offer any opposition to his motion, as this would supersede the necessity of even the few observations he was about to make. The noble Earl then moved for—

"A return of the number of Her Majesty's forces in Ireland on the 1st day of January, April, July, and October, in each year, from the 1st of January, 1828, to the 1st of January, 1844, both inclusive; and also a return of the expense incurred in the fortification of barracks and other stations for troops in Ireland in the year 1843."

Ordered.

Operations in China — Admiral Sir W. Parker.] The *Lord Chancellor* stated to the House that he had received a letter from Admiral Sir W. Parker, acknowledging the Vote of Thanks of that House, for the gallant conduct of Her Majesty's naval force under his command engaged in the operations in China. His Lordship read the letter, as follows:—

"*Her Majesty's Ship Cornwallis, at Hong Kong, June* 15, 1843.

"My Lord,—I have had the high gratification of receiving and communicating to the naval forces under my command your Lordship's letter of the 25th of February, transmitting the distinguished honour conferred on

Lieutenant-General Sir Hugh Gough, Bart., G. C. B., Commodore Sir Gordon Bremer, K.C.B., and myself, together with the officers and men of the combined forces of Her Majesty and those of the East India Company, lately serving under our orders, who, by the Resolutions passed in the House of Lords on the 14th of that month, are included in the proud distinction of their Lordships' thanks and approbation for the services performed on the coast and inland waters of China.

"Permit me, on the part of the naval branch of the forces, to assure your Lordship of the grateful feelings with which we receive this most honourable testimonial of their Lordships' commendation; and with my respectful acknowledgments for the courtesy with which your Lordship has announced it,

"I have the honour to be, my Lord,

"With the highest consideration,

"Your most obedient,

"And very humble servant,

"W. Parker, Vice-Admiral."

"*To the Rt. Hon. The Lord High Chancellor.*"

The Earl of *Minto* took that opportunity of expressing his regret that the time of the ratification of the treaty with China, had not been taken advantage of for the purpose of conferring some additional mark of Her Majesty's approbation on Sir Wm. Parker, in conformity with the honours bestowed upon the military commander-in-chief on that occasion. He was aware that there was no intention on the part of Her Majesty's Ministers to pass any slight on Sir W. Parker, or to show that they did not appreciate the services he had rendered; but, at the same time, the same attention was not paid to the naval as to the military officer in command, and he regretted that the opportunity afforded by the completion of the treaty had not been made available.

The Earl of *Haddington* observed, that the noble Earl had given him no intimation of any intention to make a statement, nor had he expected him to make any observations. He believed that it had been stated by the noble Duke (the Duke of Wellington) in that Speech which the navy would never forget, when he moved the vote of thanks to the naval and military commanders, and those who served under them in China, that the reason why the two rewards had not been bestowed at once upon Sir William Parker was, that it would have appeared to Sir H. Gough and the military as giving more than their share to the navy. The Ministers had no care but to do justice to both services. The noble Lord might well say that Her Majesty's Government duly appreciated the services of the navy upon that occasion. They were certainly most extraordinary. He did not advert merely to the gallantry displayed, that was a matter of course, and the navy had frequently shown it against more formidable enemies than the Chinese. But he knew that taking the large ships to the walls of Nankin, and it was so considered by the navy, was a very extraordinary performance indeed, and without it the warfare would have never been concluded in the way it had been. It would be in the recollection of the House, that Sir Hugh Gough had earned the Grand Cross of the Bath before Sir William Parker arrived in China. At the conclusion of their joint services, for their gallant, distinguished, and meritorious services, a baronetcy was awarded to Sir Hugh Gough, and the Grand Cross of the Bath was given to Sir William Parker. Sir William Parker had since been informed the reason why both rewards were not conferred upon him at one and the same time. He trusted that Sir William Parker was satisfied with the reason, and he was sure that he ought to be; and he was informed at the same time of the intention of Her Majesty's Government to bestow upon him the other honour. It would descend to his heirs equally, and would be as much connected with his services in China as if it had been given at once, and no injustice done to Sir H. Gough, by two rewards being awarded to the naval service at the same time. He remembered, and he recalled the attention of the noble Earl to the fact, that at the time of the former discussion, he had said it was the intention of Her Majesty's Government to consider Sir W. Parker again, and that the noble Earl said across the Table, "Aye, when he hauls down his flag." Was he not right in his recollection?

The Earl of *Minto* did not recollect this, but if the noble Earl so stated it must have been so.

The Earl of *Haddington:* It would have been unfair to Sir W. Parker to cut him short of his command, as his time had not expired. He could only say, that it was the desire of Her Majesty's Government to mark in every way that they could in a just manner, the gallant and distinguished services of this officer, and the high sense they entertained of his naval ability, particularly in taking the navy into the very

heart of the country, and by these means rendering it most efficient.

The Earl of *Minto* had only been attracted by the reading of Sir W. Parker's letter, to express his feeling that full justice had not been done to that officer, by making his reward less than that of Sir H. Gough. To be sure, the services of Sir H. Gough were divided into different acts, for the first of which he received the Grand Cross of the Bath, and for the second, a baronetcy; but, looking at the amount and nature of Sir W. Parker's services, they were not, in his opinion, of less value.

Lord *Brougham* hoped that he might interpose. He considered that the House could not do anything more unconstitutional than to discuss the right of the Crown to confer honours. The Crown was the fountain of honour. He did not deny that in cases of gross neglect, the House might interfere, otherwise it was the duty of both Houses to abstain from any expression upon the exercise of the right.

The Earl of *Minto* could not submit to such a rebuke without saying one word. He was not urging the noble Earl to do anything which he was disinclined to do, or which the Crown disliked, but there was a feeling in the navy that Her Majesty's Government had not done all that they might do for a gallant officer, and for a service in which he (the Earl of Minto) took great interest. What he had done was done in that House every day without notice. He had complained, that Her Majesty's Government, in the exercise of their discretion, had not done all that might have been expected with regard to the gallant officer, and the service with which he was connected. There were many ways in which he might have brought this subject on in a regular form. He might have given notice of an Address to the Crown, praying Her Majesty to bestow some mark of her favour for these services, and he trusted, that what he had said might not have the effect of preventing the Government from granting whatever mark of approbation they might think proper.

The Earl of *Haddington* trusted that the discussion would have no such effect. He wished to remind the noble Earl, that Sir Hugh Gough's first services terminated at the heights of Canton, which it was supposed had put an end to the war. The war, however, broke out again. Sir W. Parker was then sent out to China. Sir H. Gough had received the order of the Grand Cross before that war broke out. The subsequent war was a second service on the part of Sir H. Gough. With respect to the feelings of the navy, if they were dissatisfied with the conduct of the Admiralty to Sir W. Parker, who was continued in his command in those seas, he had only to say, that this was the first time that he had ever heard a word about it.

BETTING AND GAMBLING.] The Duke of *Richmond* moved the second reading of the Bill to repeal Penalties on Horse-racing, &c.

Lord *Brougham* had considered a good deal the framework of this bill, which was a most important one. He knew that great objection existed to this bill in several most respectable quarters, all founded on the general subject of gaming. There was no objection, however, to one part of this bill, and he, therefore, advised his noble Friend to restrict the enactments of his measure, which were at present too general. He recommended the noble Duke to withdraw the bill for the present, and introduce one which should have the effect of quashing the *qui tam* actions already brought upon the existing statutes upon payment of costs. By taking that step first, and by reconsidering the clauses of his present bill, his noble Friend would do everything that the occasion required.

The Bishop of *London* hoped, if the suggestion of the noble and learned Lord were adopted, and another bill were brought in upon this subject, it would be a very different bill to the present one. If, on the contrary, it should in any degree tend to do that which this bill did and must, effectually increase the evil of gambling, he should certainly give it his most decided opposition. Whatever contingent advantages might result from the promotion of manly sports and pastimes, if they were to be purchased at the expense of facilitating betting by the removal of legal restraints, he repeated he should feel bound to give them his determined opposition.

The Duke of *Richmond* complained, that the right rev. Prelate had hazarded an opinion with regard to this bill before an opportunity had been afforded him (the Duke of Richmond) of stating its object. His object was to destroy frau-

dulent betting, and to restrict considerably all other betting. He objected to the right rev. Prelate's description going forth to the country, when the very object of his bill was the reverse. He was not, however, obstinate on this subject. He (the Duke of Richmond) did not bet himself, and he objected to a great deal of the betting which took place on the turf at present. Indeed, he believed that, if the system of betting was not checked, the turf would soon be deserted. His bill was intended to protect other manly sports. At present no one could play a game of cricket where the loser paid the expenses of the ground without rendering himself liable to a *qui tam* action. He happened to be one of those who wished to encourage manly sports; he thought them of great importance, and that they had been of late too much discouraged. He hoped that their Lordships and the other House of Parliament would, in all future enclosure bills, if not in separate bills for the purpose, set aside a portion of land near the large towns, to which the people might resort for manly amusement. It was better that they should do so than go to the beer-shops, where they became sullen and discontented—for all men, rich as well as poor, stood in need of amusement. It was this object which induced him to take up the question, and he believed that his bill would effect all that he said. He did not wish to put himself in opposition to his noble and learned Friend, he would postpone his bill for the present; but he hoped that the bill, which would get rid of the *qui tam* actions, would be allowed to go through as quickly as possible. He hoped that their Lordships would adopt at once a measure which would defeat the attempts of a set of scoundrels who had been turned off the turf during the last year for not paying the bets which they had lost. They had endeavoured to wrench acts of Parliament to their own purposes, not with the view to promote the public good, but to gratify their revenge and to fill their pockets. Desiring to act upon the suggestion of the noble and learned Lord, he would rather postpone the Order of the Day for the second reading of the bill before the House, and bring in another bill to prevent the mischief intended to be perpetrated by these *qui tam* actions. He hoped that none of their Lordships would suppose that he had any intention by this bill to increase or promote the practice of gambling.

Lord *Brougham* thought that it would be better that all the statutes relating to betting and gambling should be referred to a select committee. Those laws had two defects; in one direction they were too stringent and severe, and, as it always happened in such cases, in another they were too lax and too easily evaded. He wished to apply a remedy to such a state of things. Many of their Lordships might not be aware, and he himself, albeit a lawyer by profession, was not aware till that day, that some of the most exalted personages in the country were liable to prosecution at the suit of a common informer; and, if convicted, to be sent to, and imprisoned in the common gaol of the county in which the offence was committed for the space of twelve calendar months, for having engaged in a raffle, to which they might have given a guinea out of pure charity. He had no doubt that some of their Lordships might at that very moment be liable to a benefit of that description, and this circumstance was an illustration of his assertion that the laws with respect to gambling required to be looked into.

The Bishop of *London* thought, that the noble Duke had no greater cause of complaint against him than he had against his noble and learned Friend opposite. He had never for a moment imputed to the noble Duke any design to increase the evils, which he nevertheless thought this bill calculated to augment. The bill appeared to him to be a wholesale abrogation of the restraints on betting, and consequently calculated to increase that evil, and he had therefore desired to call the noble Duke's attention to it. If, however, the noble Duke should introduce any measure with a view to promote the moral and social improvement of the people, he hoped it would be such a measure as he could concur in. No person in the House more entirely concurred in the sentiments expressed by the noble Duke as to the expediency, and he would almost say duty, of providing manly recreations for the poor. He had always held the same language, and had laboured in every place where he had resided to provide means of rational amusement for the people. He held it to be especially incumbent upon them at the present time when they were about to continue the New

Poor-law, and to place restraints upon the poor, which nothing but the necessity of the case could justify, to introduce also measures for their solace and relief. He only feared that the vast increase of building of late years would interpose an almost insurmountable difficulty in providing suitable places for the recreation of the people.

Lord *Campbell* took nearly the same view of this subject as his noble and learned Friend. He thought that all these *qui tam* actions should be stopped *quam primum*. A bill for that purpose could be passed through the House without delay. With respect to the law itself, he must observe that indictments and penalties for putting down gaming never had succeeded, and never would succeed. Like the noble Duke, he would fain see manly sports encouraged; but he could not go so far as the noble Duke was prepared to go in his present bill, which made all bets lawful contracts, capable of being enforced in a court of law. A love of the sport ought to be a sufficient inducement to parties to engage in it without laying bets to be enforced in courts of law. If betting were to be allowed at such recreations, the bets should be considered debts of honour, without any remedy for it than by an action at law.

Lord *Denman* thought the noble Duke had a right to complain, that after he had put his Bill off, it should be thus attacked, and before he had been heard to say a word in defence of it. He would venture to suggest, that the Bill, and also the whole subject, should be referred to a committee, to consider how the law now stood, and what it ought to be for the future. With regard to the *qui tam* actions, he was not aware that they were now proceeding, but thought it might be perfectly right to prevent these actions.

The Marquess of *Normanby* said, that as his noble Friend proposed to divide his Bill into two distinct Bills, they might get into some difficulty by postponing it, especially if they wanted to proceed at once with the Bill for stopping the *qui tam* actions.

The Duke of *Richmond* did not agree with his noble Friend (Lord Campbell) that these debts should be made debts of honour. They were debts of honour now, but men made bets who had no honour, and what was to be done with them? This was the cause of the *qui tam* actions. These fellows had no character to lose. If they lost 5,000*l*, they did not think their characters worth that sum, and, therefore would not pay it. The best way, therefore, was to make a man pay when he lost. He entirely concurred with the Lord Chief Justice, and would, therefore, move that the order of the day for the second reading of the Bill should be discharged, so that his noble Friend might move that the whole subject should be referred to a select committee. The existing law was absurd and contradictory. At the present moment they might bet 100,000*l*. on a race which was run, if by means of a pigeon or otherwise, they had obtained information of the result, and this bet, it had been decided again and again, could be recovered in a court of law. In like manner, one of their Lordships might bet that he would go to Palace-yard and meet twenty lawyers in their wigs in the course of an hour, and this bet could be recovered; but if he bet upon a race-horse, it would not be recoverable. If, however, the race-horse ran for nothing, the bet could be recovered. The subject was, therefore, most worthy of their Lordships' attention.

The Order of the Day for the second reading was then discharged; and the subject, on the motion of Lord Denman, ordered to be referred to a select committee.

SANATORY CONDITION OF THE LOWER ORDERS.] The Marquess of *Normanby* said, he rose to put a question to some Member of her Majesty's Government. He understood that the noble Duke who held the Privy Seal was informed upon the subject to which he was about to refer, which was quite distinct from the subject which had last occupied their Lordships' attention. It was a subject which affected, not only the comforts, but also the moral and physical condition of a large portion of their unrepresented fellow-citizens; he alluded to a measure which had three times passed their Lordships' House, relating to the Sanatory Condition of the Lower Orders. He approached this question with grievous disappointment, because he saw that during the last three years nothing had been done upon it, and unless some explanation were given, the nature of which he could not anticipate, blame must attach to the quarter from which the delay proceeded. In alluding to former proceedings, he was afraid that he was transgressing the usual limits upon putting a ques-

tion; but, in order to make his question intelligible, he must trespass with a few preliminary observations on the attention of their Lordships. A right rev. Prelate in their Lordships' House, in 1839, moved an Address to the Crown on this subject; a commission was issued by a noble Friend of his who then held the seals of the Home Department, directing an inquiry into the sanatory condition of England and Wales; he (the Marquess of Normanby) in the following year considered it desirable to extend the commission to Scotland also. Perhaps the natural course of things would have been to have awaited the result of that commission before their Lordships had been asked to concur in any measure, but it happened that the next Session, a select committee was appointed by the other House, on the motion of Mr. Slaney, and on reading over the evidence adduced before it, he (the Marquess of Normanby) was so struck with the shameful neglect of the Government and the Legislature, and with the necessity for immediate interposition, that he brought the question before their Lordships in 1841, and stated his reasons for doing so in more detail than would have been justified but for the great importance of the subject. Their Lordships assented to the principle of the bill which he then introduced, but it was suggested that the various details had better be submitted to a select committee. A select committee was accordingly appointed, and he must say there never was a committee which examined into details with greater assiduity, or brought their examination to a more satisfactory issue; in particular, he had received on that occasion material assistance from the noble Lord the present Governor-general of India. The bill which he introduced passed this House; but in consequence of the political circumstances of that year, and the shortened duration of the parliamentary Session, it did not pass through the House of Commons. In the new Parliament, though he at that time knew that the Government of his noble Friend was about to proffer its resignation, yet, looking at the great importance of the subject, and thinking it to be absolutely necessary that their Lordships should show in the new Parliament that they adhered to what they had passed in the old, he again brought in his bill, but that Session was also a short one, and the measure did not pass the Commons. In the first days of the Session of 1842 he again applied to them upon the subject. He told them that though it was a bill that would better rest with the executive Government, and that, as they had already assented to its principle, if it so pleased them he would move it in this House and leave it to the Government to take up elsewhere. That measure again for the third time passed this House; and was only opposed in some of its details by a noble Marquess not now in his place, but who withdrew his opposition upon the persuasion of the noble Duke opposite (the Duke of Wellington). The bill with respect to drainage the Secretary of State for the Home Department declared he would take under his own charge, and nothing had since been heard of it. The other was carried to a select committee, which did not conclude its labours in time to take the opinion of the House upon the subject. The Session of 1842 concluded, and then occurred an important incident in the consideration of the question. The Poor-law Commissioners, to whom the subject was originally referred, then made a report; a most valuable report it was; and if there could have been previously any doubt as to the necessity of immediate legislation upon the question, he did not think that any man could, after reading it, continue to entertain a doubt that no further delay should take place in remedying the evils complained of. If there were any fault in the report it was in the vast accumulation of important facts, which had perhaps rendered it less palatable to the general reader. In the very first few pages this startling fact was announced, that at this time, among the town population of England and Wales, there were no less than 56,000 deaths occurring annually, the greater portion of which were proved to be preventable by ordinary precautions. Let any one read the succeeding pages of facts, which were skilfully brought together, and he would find quite sufficient evidence in support of this statement. The deaths caused by diseases which it would be in the power of the Legislature, by adopting these precautions, to remove, he had stated at 56,000; that was, as stated in the Report, as if the whole population of Huntingdonshire or Westmoreland were struck from the face of the earth by diseases which the Legislature might remedy. The details of the report were most important throughout, and he would say that the result of its perusal must be to convince any one that more information was not what was required upon the subject. There

might be some doubt as to the conclusion at which the report arrived as to the particular manner of applying the remedies, and as to the agencies to be employed in carrying them into effect. He thought it obvious to any one who paid the smallest attention to the question that the increased power, which by the three bills that had received their Lordships' assent, he proposed to give to bodies already in existence, would have been sufficient; and if not, other measures might have been easily suggested. At all events, it was thought better not to adopt a centralisation system. What happened then? If more information were required, surely a commission ought to have been at once appointed. With this fact staring in the face of the Government, that the mortality was every year caused and aggravated by the neglect or inattention of the Legislature and Government, what took place? Why from that time to the conclusion of the late Session of Parliament, not a single step was taken on the subject: at this latter period, however, a commission was appointed and placed, with great propriety, under the noble Duke opposite, the Lord Privy Seal. It was that delay of which he now complained. He did not wish to press the matter further at present, but he did say that that delay required explanation. The Government of his noble Friend (Lord Melbourne) used formerly to be attacked for appointing commissions; it was supposed that the Government often postponed measures through the medium of those commissions. He (the Marquess of Normanby) had the misfortune the other night to express his dissent from the appointment of another commission by the existing Government; but, in reference to this commission, he never knew one, in a case where further information was required, the appointment of which was so long delayed. The principle for which he contended had been three times recognised by their Lordships, and in times of public interest, when nothing but public considerations could have induced them to pass the measure, which was deemed necessary for the preservation of the health of a large portion of their fellow-subjects. He would not go further into details now, but if they pursued the report in other points they would see that the evil was not confined to the actual deaths annually caused by want of proper precaution. It was clearly and most convincingly stated, and proved to a demonstration by the report, that the duration of life, even among the upper classes, in some towns, was considerably shortened. As an instance, in contrasting the county of Rutland with certain of the manufacturing districts, the increase of mortality in the latter among the upper classes, who were of course much better off than the lower, amounted to one-third more annually whilst the duration of life in the parish in Manchester cited as an example was amongst the middling and lower orders, only one-half that of the parish in Rutlandshire with which it was compared. He feared there was also evidence in the report that in those places where, by the creation of new employments during the last half century, the people had been crowded together without due precautions being taken for their health, the next generation would in every respect be inferior to the last, and that the evils we are likely prospectively to suffer in the great sources of our national strength, are not over when we calculate the number of actual deaths. If he should unfortunately hear from the noble Duke opposite that such was the state of the commission that it was not likely, in the present Session of Parliament, that a measure would be introduced, he should feel it his duty again to call upon their Lordships to assent to that measure of which he had already secured their approbation. But whether a bill was brought in this Session by Government or not, he could not, without explanation, exonerate the department of Government with which the subject rested from blame, in the first place, for not taking up the bill which passed this House, and amending it, if necessary, in the other House. In the next place, if they felt that more inquiry was wanted—the necessity for which, however, he could not see —it was for them to account why one whole year, during which it was clear that this dreadful mortality had continued unabated, had been allowed to pass without a single step having been taken to remdy the evil.

The Duke of *Buccleuch* said, the noble Marquess who had just sat down had addressed their Lordships at some length, and had found great fault with her Majesty's Government, because they had not adopted immediate measures with regard to the sanatory condition of the people; and the noble Marquess had afforded as a reason for so finding fault that the bill he had introduced, and which passed their Lordships' House, and was sent down to the House of Commons, had not been since taken up by the Government. Now he

begged to observe that bill had been drawn up at a time when the report of the Poor-law Commissioners, to which the noble Marquess had alluded, was not made. In 1841, however, before that report had been made and was upon their Lordships' Table, a bill had been introduced for the improvement and drainage of the town of Leeds. Into that measure the leading clauses of the noble Marquess's bill had been incorporated, and such was the difficulty arising in the way of bringing that bill into operation, that it was now a dead letter, because it had been found impracticable to act upon it. With regard to the delays in the appointment of the commission referred to, he (the Duke of Buccleuch) believed the commission was dated the 9th of May, 1843, and he could state, that as soon as possible afterwards the commissioners therein named met together—many of them were men of science, and others were actively engaged in other pursuits, and it was necessary for them to make arrangements with reference to their own occupations. The commissioners, however, met on the 1st of June, and continued to sit three days a week until the end of July, when they separated for the necessary relaxation, and with a view to attend to important matters of their own. But during the recess, at a time when relaxation was much more necessary, they again engaged in their duties under the commission, and were called upon to enter on inquiries, some of them of a most disagreeable character. They had visited during the recess fifty-one towns. The noble Marquess thought the report already before Parliament contained ample information for immediate legislation. No person who read that report could doubt that there were dreadful particulars of misery and wretchedness laid before the public; nobody could doubt that the state of many parts of the metropolis, and of many towns in the kingdom, was miserable and disgraceful; still less could it be doubted, that disease was great and prevalent. There was no one possessing the feelings of common humanity but would say, "Ought we not to adopt measures to remedy this?" Every person would say that; but it was one thing to say that a remedy ought to be provided, and another to say how that remedy ought to be carried into effect. He had felt the difficulty increased since he had been upon the commission. He had found it extremely difficult to make up his mind as to the proper mode of curing the evils pointed out. It was said by some, that the first remedy was to be effected by proper drainage, but was this to be done for nothing; were the commissioners to begin without first inquiring into the nature and character of the drainage, and the consequent expense? Take the case of the metropolis itself. The noble Marquess did not know the evidence laid before the commissioners by men of science and experience, and he could have no idea of the extreme difficulty which arose in the matter in consequence of existing acts of Parliament. The same difficulty had presented itself with reference to another point intimately connected with the health of towns—he alluded to the good and sufficient supply of water to the poorer classes. This had been found to be a most difficult and intricate matter; vast interests were concerned, large companies had been established, and the difficulty was to ascertain how a good and sufficient supply of water could be obtained, and the companies adequately recompensed. He, however, had no doubt that it might be possible so to arrange that a good and sufficient supply of water could be obtained for the poorer classes, without any loss to the existing companies. Such was one of the many results at which the commissioners were gradually arriving. With all the information contained in the Sanatory Report, there was not sufficient evidence on which he, on his responsibility, could come down and recommend to Parliament any measure for its consideration. Why, if the very bill which the noble Marquess had himself brought forward was carried into effect the amount of surveyors' fees alone would be 80,000*l*. In London, in particular those fees would be exceedingly heavy. Now, the difficulty in framing any bill was to provide the manner in which such charges were to be met. Take Leeds for instance, and the drainage and supply of water must not only be provided for, but also how, in what manner, and upon whom, the cost and charges were to be levied. These were serious considerations; and, though a bill had been passed with these objects for that town, it remained, he repeated, almost a dead letter, because it was found impossible to carry its clauses into operation. He could only say, with regard to the existing commission, that the greatest attention had been paid; no time had been lost; there were upon it not only men of science, but others closely occupied in pursuits of their own; but that all had, with great cheerfulness and earnestness,

entered upon the duties imposed on them —none seeking for delay, but, on the contrary, all anxious to push the matter forward. They had everywhere been received with the greatest favour by the working classes, who hailed them as persons likely to bring benefit and comfort to them; there had been everywhere a total absence of party feeling, and from all municipal bodies with whom they had to communicate they had received every assistance; and much information had been acquired that was not contained in the Sanatory Report. He had no doubt, that in a short time it would be in the power of the commissioners to lay the information brought before them, and upon it to suggest, he hoped, a sound legislative measure. When that might happen he could not at present pledge himself. There were many reports which had not yet been presented; important information had been received from towns on the continent as to their manner of supplying water and carrying these matters into effect. Valuable information had also been received from America on the same subject. Whenever, on all this mass of information, a legislative measure might be introduced, he hoped it would be productive of all the good their Lordships could wish.

The Marquess of *Normanby* said, that with all respect for the noble Duke, he must say, that a more unsatisfactory explanation had never been made in their Lordships' House. The noble Duke had admitted all he (the Marquess of Normanby) had alleged—viz. that the Government had taken no steps in the matter from the presentation of the sanatory report in 1842 until the appointment of the commission on the 9th of May, 1843. The noble Duke had not given the slightest excuse for the delay of the twelve months which had been allowed to elapse. The noble Duke said, that the provisions of his Bill had been tried in Leeds, and had failed. He would not contradict the noble Duke; but information had just reached him from Leeds, that the corporation of that town, were at the present moment putting the Bill into operation, and that they were satisfied with the provisions.

The Duke of *Buccleuch* observed, that the noble Marquess's Bill of 1842 had passed that House and been sent to the other House of Parliament, where it was referred to a select committee, in whose hands it had remained during the whole of that session. The noble Marquess could not charge the Government with doing nothing, because the Bill never came out of the hands of the select committee.

The Marquess of *Normanby* repeated, that as the measure of 1842 had failed, the Government were answerable for having taken no steps from the close of session 1842 until May, 1843.

The Duke of *Buccleuch* said, the noble Marquess ought to know that measures of that description required great consideration.

Earl *Fitzwilliam* remarked, that it was not quite so easy to legislate effectually upon the matter as some people seemed to imagine. He thought his noble Friend opposite (Duke of Buccleuch) was mistaken in supposing that the corporation of Leeds had found their Bill impracticable, for he was inclined to believe they were now acting upon it, because he had been told by a very ingenious person, that the plan had been carried into effect, and the result had been to drive the evils sought to be remedied from one part of the town to another. The corporation had not been supine with reference to its Act of Parliament; but they had found, on the experience of physicians of eminence, of chymists, and of men of science, it was much easier to find an evil than to discover a remedy for it.

The subject was then dropped.

House adjourned.

HOUSE OF COMMONS,

Monday, February 5, 1844.

MINUTES.] BILLS. *Public.*—2°. Metropolis Improvements.

PETITIONS PRESENTED. By Mr. G. Berkeley, from Southampton, and Cheltenham, respecting Window Tax on Licensed Victuallers. — From Frome, and St. Andrew's in Wells, against the Union of the Sees of St. Asaph and Bangor.—By Sir J. Trollope, from Boston, and 28 places, against Repeal of Corn-Laws.—By Mr. Gordon, from Kidderminster, respecting the Poor-law.—By Mr. Serjeant Murphy, from Cork, complaining of omission of Roman Catholics from Jury (Dublin).—By Mr. Hume, from Arbroath, and Mauchline, for refusing the Supplies. —From James Haughton, against Revenue from Intoxicating Drinks.

RIGHT OF SEARCH.—OREGON TERRITORY.] Sir *Charles Napier* said, it might be in the recollection of the right hon. Baronet at the head of Her Majesty's Government, that on two occasions last Session he inquired if he was prepared to lay on the Table the instructions given to our cruisers on the coast of Africa relative

to visiting vessels bearing the American flag. He now wished to repeat the question; and he would also ask the right hon. Baronet whether he had received any information of the intention of the American government to establish military posts on the Oregon frontier?

Sir *R. Peel* said, he would answer the first question of the gallant commodore to-morrow or the next day. As to the second, he was not in possession of any further information as to the intention of the American government to place military posts on the line towards the Oregon, than that which the gallant officer was already aware of.

Lord *J. Russell* understood it had been stated last year that there were negotiations on foot with the American government on the subject of the Oregon territory. He wished to ask the right hon. Baronet whether such negotiations were now pending, or whether there had been a cessation of them?

Sir *R. Peel* said, that if he recollected rightly, he stated last year, that which was exactly in conformity with the fact, namely, that the British Government had originated a communication with the Government of the United States, with regard to the extreme advantage of proceeding amicably in the arrangement for the settlement of the disputed points; and certainly the answer which had been received to that communication, justified the British Government in hoping that before this, some progress would have been made towards an arrangement. A change had recently taken place in the person of Her Majesty's representative at Washington, and the new Minister had gone out with full instructions on the subject, which he hoped would be productive of the end desired.

Mr. *Hume* wished to know whether the right hon. Baronet would object to lay on the Table of the House the papers relative to the Oregon territory?

Sir *R. Peel* said, that, as the papers related to a matter of so much importance, he thought the hon. Gentleman would take the wisest course by not pressing for their production at that time.

Medical Reform.] Mr. *Macaulay* wished to ask the right hon. Baronet at the head of the Home Department one or two questions on the subject of medical legislation. The right hon. Baronet last Session stated that it was the intention of Her Majesty's Government to introduce a bill for the regulation of the medical profession. He was desirous of knowing whether that bill were matured, and whether the House had any right to entertain any reasonable expectation that the Government would proceed in the matter this year? He heard that the right hon. Baronet had granted two charters to medical corporations—would those charters be laid on the Table of the House?

Sir *J. Graham* (in reply to a question from Mr. Macaulay) said he had no objection to lay before the House the only two medical charters which had been issued to the College of Surgeons of London and Dublin. He had two bills nearly ready, which he should shortly ask leave of the House to introduce—one with reference to the College of Physicians, and the other to provide for the regulation of medical practice generally throughout the kingdom.

Post Office.] Mr. *Hawes* wished to know from the right hon. Gentleman the Chancellor of the Exchequer, whether it were his intention to renew the committee on the subject of the Post-office; and whether certain papers ordered by the committee would be laid on the Table of the House? Also, whether a paragraph which he had seen in the papers, and which stated that the whole of the revenue derived from the Post-office was to be applied to carry out certain improvements in that department, was correct?

The *Chancellor of the Exchequer* said, he did not see any necessity for moving for a renewal of the Post-office committee. He had no objection to lay any returns moved for by the committee, as far as it was possible, on the Table of the House. He had seen in the papers the letters referred to, but, he believed, that it was not in his power to produce them. They were principally letters addressed by the Chancellor of the Exchequer to Mr. Hill, and by that gentleman to the Chancellor of the Exchequer. Some of them were private communications, and were consequently papers of which, in many instances, copies would not be kept, and therefore, as regarded himself, it would be very difficult to obtain them, and with reference to his predecessor, he could not, of course, undertake to produce the correspondence of that right hon. Gentleman. With re-

spect to any returns relating to the Post-office, there could be no difficulty whatever in getting all the information desired. As to the paragraph referred to, stating that he was about to give up the surplus revenue to carry on improvements in the Post-office, he could only say, that he did not know the source from which it emanated—certainly not from himself.

THE QUEEN'S ANSWER TO THE ADDRESS.] Earl *Jermyn* (as Treasurer of the Household) appeared at the bar, in the Windsor Uniform, and bearing a white wand. The messenger in attendance announced "Her Majesty's answer to the Address." His Lordship said: I am commanded by Her Majesty to inform the House that on Saturday last she received the Address of your hon. House, which Her Majesty was graciously pleased to receive, and to give the following answer:

"I thank you for this dutiful and loyal Address. The declaration that you are anxious to co-operate with Me in My earnest endeavours to promote the welfare of My people, is most satisfactory. You may be assured, that it is the invariable object and constant care of My life to promote the happiness, and to deserve the confidence, of all classes of My subjects.

ALLEGED DEFICIENCY OF THE CIVIL LIST.] Sir *R. Peel* then moved the order of the day for taking into consideration the Queen's Speech, when

Mr. *Blewitt* said: I wish, Sir, to call the attention of the House to a report current in London at the present moment, which it is most important should be either contradicted, or set at rest in some way. It is that the civil list has been greatly exceeded, and that there is an enormous amount of debt, which will render it necessary to apply to Parliament for the grant of a loan. I wish to ask the right hon. Baronet at the head of Her Majesty's Government whether there is any truth in the rumour, or not?

Sir *R. Peel*: I feel surprised that the hon. Gentleman should be so credulous as to believe a report of the sort. I must say, that I should have thought that any Member of this House who has observed the conduct of Her Majesty during the whole course of her reign, would with confidence have referred to that course, and have been able to give a most positive contradiction to such a report. There is not one shilling of arrear.

RAILWAYS.] Mr. *Gladstone* said, that he rose to bring under the notice of the House the important subject of Railways, which had on previous occasions been submitted to select committees, for the purpose of inquiry, but in several respects they have left their labours incomplete; and he felt fully justified in asking the House to appoint a new committee to inquire into many points connected with Railways. Before proposing his motion, he felt it necessary to explain the objects that he had in view; but he should be very brief in the statement which he was about to make to the House, as he thought that, instead of entering into an explanation of the views of the Government on the subject, it would be better to refer them to the committee for consideration and examination. There were, however, one or two points to which he felt called upon to refer. The Government was of opinion, after careful observation, and after the experience of several years, that it would be well to consider whether there should not be some modification in the Standing Orders respecting railways. One of these Standing Orders, which had affected all the railway bills which have hitherto passed, directed that before the bill was proceeded with, 10 per cent. of the capital which it was estimated would be required to be laid out should be deposited. An opinion had been extensively entertained that there would be no disadvantage in reducing the proportionate amount of capital required as a deposit; and that, provided it was clear that the character of the proposed undertaking was *bona fide*, no evil could arise from relieving parties to railway bills from so much of the Standing Orders by which they were compelled to lock up at so early a period, and for such a length of time, so considerable a portion of their capital. There was another reason for modifying this part of the Standing Orders; namely—that there was already a Standing Order of the House of Lords, by which the paid up capital was ordered to be not 10 but 5 per cent. There was another Standing Order affecting the construction of the line of railroads, the consideration of which he thought that the committee might well entertain with a view to some alterations and modifications in it. The Standing Order which he referred to related to level crossings, but he

would not enter further into the subject than to say that in any alteration of this order respecting level crossings it would be necessary to make every requisite provision for the public safety; but he might say, on the part of the Government, that, at present, he had no alteration to propose. He was aware that he could not enter upon the consideration of the particulars of several of these Standing Orders without going into great detail, although it might be very expedient to bring them under the consideration of the committee, he, therefore, would not detain the House by dwelling further on this part of the subject. But, over and above this point, the House must be fully aware that the present was a very important era in the history of railroads. The House was aware that most of the great undertakings in railroads had been brought to a completion within the last four, five, or six years, and at the time of passing the various acts respecting them, great apprehensions were entertained respecting the speculations that might arise, and that if care were not taken, they would operate to prevent the completion of some of these great lines of railway. Since that time owing to the completion of the great lines, and to various other causes to which it was unnecessary for him to advert, and particularly within the last two or three years, the speculations in railways had considerably diminished; but at the present time owing to the great and almost unparalleled extent of capital unemployed, a disposition seemed again to have arisen to employ it in this way. He had already stated that since the period to which he just now adverted very few bills for the formation of railroads had passed through that House; but if Gentlemen would inquire at the Private Bill office, at the present moment, they would find that notices had been given in the usual way, that during the present Session no less than sixty-six applications would be brought forward for railway bills. Although all these bills might not be for the construction of new lines, yet all of them were either for an extension of existing lines, or for the formation of new lines. He believed that these bills involved the construction of not less than eight or nine hundred miles of new railway. The House must be aware that the present extent of railroads in this country was somewhat less than 2,000 miles, therefore, by the bills which it was proposed to pass during the present Session, it was intended to increase railway communication nearly by one half. The speculations, therefore, in the formation of railroads had again commenced, and it was probable at future times they might see railway speculations greatly increase, while at other periods they might be comparatively slack. The House, therefore, was at present, in duty called upon to give its attention to this subject previous to these numerous railway bills receiving its sanction. At least, it appeared to the Government, in consesequence of this great stimulus to this description of enterprise, that this was the proper time and fitting opportunity to refer the matter to a committee to investigate the subject. The proposal he had to make would affect those companies which came before Parliament of their own accord. These companies he divided into two classes. First, companies coming to the House for acts of incorporation and powers for the formation of new lines; and, secondly companies already incorporated which came to the House for new powers. In this second class he included the existing companies that came to the House to ask for powers to enable them to extend their lines, and also those existing companies that asked for powers to enable them to unite their lines. At the present time there was a circumstance that called for the serious attention of Parliament: namely, that tendency which had been recently manifested by several railroad companies to unite together in one great mass. As an instance of this, he would only refer to the proceedings which had recently taken place to unite the North Midland, the Midland Counties, and the Birmingham and Derby Railroads. This was an important point for the consideration of the committee, for it was pretty clear that these railway companies would obtain considerable advantages by means of this amalgamation by acts of Parliament, and it was likely to confer on them further and more extensive powers than the Legislature originally contemplated. This was a system which he believed was likely to prevail to a very great extent, it therefore, called for timely consideration. It was not improbable, however, that if Parliament should give its sanction to bills to allow the incorporation of railway companies of this nature, that the result would be that the number of railway companies would be greatly diminished, and at the same time their powers and advantages would be greatly

increased. While, therefore, this remained a new question, he considered that it was desirable that the House should consider, not in a spirit unfair or inimical to the interests of railroad companies, whether, when they sought from the House new powers which it was impossible not to perceive would be attended with great advantages to them, that in return some equivalent should not be rendered to the public. With regard to the interests of the public on this point, it was desirable to come without delay to some determination as to the course which Parliament should take respecting the advantages to the public, which it might call for as an equivalent in some degree for the new powers which these companies required. It was also desirable to determine whether any and what sort of jurisdiction should exist with respect to railroad bills. Hon. Gentlemen were probably aware that at the present time a certain jurisdiction existed, in the Board of Trade, with respect to all private commercial bills, excepting railroad bills. Now, while no inconvenience was found to arise respecting this jurisdiction, as regarded other commercial bills, he thought that it would be advisable to consider whether some similar jurisdiction should not be allowed as regarded this class of bills, and which would give the same right of supervision to the Board of Trade. He wished the Board to have this power in relation to the bills of those companies which asked for new powers, but he did not call upon the House to interfere with the original rights granted to companies when new advantages were not asked for. He did this not for the purpose of fettering or interfering with private rights, which he should be very sorry to do, but for the purpose of applying such general rules as he thought were called for, and which he had no doubt the wisdom of Parliament could lay down. He wished that this matter should be brought under the consideration of a committee without delay, and he repeated, that his proposal would refer not only to new companies which might come before the House, but also to such existing companies as came to the House for new powers. He earnestly hoped, also, that the other existing companies would be induced to adopt such arrangements as the committee might suggest, and that they would, without delay, adopt such rules and regulations as the committee should lay down. It was true that might be difficult to lay down general rules, which might be applicable to very different circumstances, and which would include acts containing provisions of a different character. He had no doubt as to the competency and right of Parliament to interfere in this matter, as regarded all railroads, but he thought that there would be a general disposition on the part of the House, to restrain the exercise of this right within proper and moderate bounds. Nor was the exercise of the right called for at the present moment, justified on the ground of any general malversation on the part of railway companies. He had therefore excluded from his notice of motion, those existing companies which did not come to the House to ask for new or enlarged powers, but, he believed, that a consideration of their general interests would induce these companies to enter into such arrangement with regard to the management of their railroads, as Parliament might recommend. At present, when unemployed capital abounded to a degree almost unprecedented, and numerous parties were seeking for some mode of investing it, there could be no doubt, that it would take a direction towards the extension of railways. Under these circumstances, it was natural to expect, there would be a disposition to make application to Parliament for the establishment of rival and competing lines to those already existing. This circumstance suggested grounds for serious and deliberate consideration. He had had enough experience of railroads to make him feel assured, that they must not rely too much on the statements that had been made respecting the advantages of competition between rival lines, or that they could depend on such competition keeping down prices in the same sense and with the assured results which they could in other matters; the vastness of the capital required to be invested, and the circumstance, that the parties advancing it were limited in number, made arrangements between rival lines easy of accomplishment. It had been urged, and he conceived very justly, that the same effect that competition produced in other cases, would not follow as regarded competing lines of railroad; but, that if Parliament should be induced to pass bills for such a purpose, it would afford facilities to exaction. If this were the case, and he was induced to think that such would prove to be the result, the consequence of allowing competing lines would be in most instances an increase of the evil, and would turn out to

be a mere multiplication of monopoly; for such were the facilities of union between these large railway companies, that their apparent competition would lead to results very different from those which wisdom would dictate. Parliament, therefore, should well consider what course they should adopt with regard to lines recommended as competing lines, and which were not called for in consequence of the extent of local traffic. Of course these observations were not intended to apply to local lines recommended by the natural character and condition of the country, and by the traffic they were likely to have. Of course he did not allude to such lines as likely to be affected by the evils which might follow from the formation of competing lines. But while Parliament had many strong grounds to avoid the practice of encouraging the construction of competing lines, the existing railway companies had many motives to watch this disposition on the part of the owners of capital, and they must perceive that it was far better for their own interest to make such terms with Parliament as would be satisfactory to the general feeling of the public than to expose themselves to the hazard of *bonâ fide* competing lines. He was not then in a situation to indicate the particular terms that might be obtained from the present companies, but the extent and nature of these terms was a matter for the consideration of the committee; and he had little doubt but that the present companies, when they recollected the nature of the powers now possessed by them would wisely adopt whatever rules or recommendations the committee should suggest. There was one subject respecting which it was most desirable that some arrangement should at once be made. He alluded to the treatment of third class passengers. He was not prepared to propose any fixed price for them, nor did he think that they should enforce upon railway companies such an increase of accommodation in the carriages for the third class passengers, as would break down the general existing arrangements. No doubt those who were able and willing to pay for first and second class carriages, ought to have additional comfort, and it certainly would be improper to recommend the adoption of such arrangements as would offer an inducement to those well able to pay for the first and second class carriages, to avail themselves of the accommodation that was provided for those placed in less fortunate circumstances. This was a matter of importance for the consideration of the committee. He would not propose any measure which would break down the rules and regulations of the companies to such an extent as to induce persons who were able to travel in the other class carriages to avail themselves of the third class carriages. But, he thought, it was a most important matter, for the committee to consider whether persons in humble circumstances, and who were obliged to travel from one part of the country to the other, and who had not the means of paying for the higher class carriages, ought not to be covered and protected from the inclemency of the weather. He knew, that there was a very strong feeling on this subject, both within the House, and out of doors; and it was a subject upon which public feeling was likely to increase. He was convinced that no Gentleman would wonder at the existence of this feeling in a very strong degree, by those who were not in a situation to avail themselves of that greatly increased accommodation which they saw was provided for richer travellers than themselves. He was happy, however, to be able to state, that there existed on the part of the leading persons connected with the great railroad companies, a disposition to consider whether greater accommodation and advantages could not be granted to third class passengers, and of such a nature as would free them from painful feelings excited by the distinction which was made between them and the passengers by the other class carriages. Having made these remarks, he would add, that it was necessary at as early a period as possible, to go into the investigation of this subject, and that there should be as little delay as possible before the committee came to a determination. He felt this strongly, as he was exceedingly desirous, that no inconvenience should be occasioned by the proceeding now recommended to parties engaged in promoting the railway bills, of which notice had been given. If the House should assent to his motion, he should propose the nomination of this committee which should proceed to business with an interval as short as possible, and he would lay before it on the part of the Government, such propositions as they were prepared to recommend. The committee would then hear the evidence of those who were likely to be able to furnish the best information on the subject, and whose opinion it was most desirable to obtain; and make their report at as early a period as possible, so that parties having

railway bills before the House, might be put to as little inconvenience or delay in commencing the works which they wished to construct. He was not aware that there was any other particular which it was necessary for him to state to the House; he would, therefore, place his motion in the hands of the Speaker. He would only add that he had made a few verbal amendments in his motion, as it appeared on the Votes. The right hon. Gentleman concluded with proposing:—

"That a select committee be appointed to consider whether any, and what new provisions ought to be introduced into such railway bills as may come before this House during the present or future Sessions, for the advantage of the public and the improvement of the railway system; and likewise to consider whether any and what changes ought to be made in the standing orders relating to railways, and to report their opinion thereon to the House."

Mr. *Labouchere* did not rise for the purpose of objecting to the proposition of the right hon. Gentleman. On the contrary, he was very glad that the Government had brought forward the question, because he agreed with the right hon. Gentleman in thinking that great good would be likely to result from such an investigation as was proposed. He rose merely to make a suggestion as to the terms of the motion. The right hon. Gentleman had said truly, that the Legislature stood in a different position with regard to existing railway companies, to that with regard to new companies not having yet obtained their bills. The right hon. Gentleman also said truly, that when railway companies asked for new powers, Parliament was justified in making any new provision which it might think fit; therefore, when the House proceeded to legislate as regarded any railway company, it should proceed with great caution and deliberation. But if he understood the right hon. Gentleman rightly, he proposed that the committee should examine the whole subject of railway legislation. The right hon. Gentleman had expressed a hope, in which he (Mr. Labouchere) was sure that all hon. Members would join, that these questions, might, if possible, by amicable arrangements, be settled with the different railroad companies; and the right hon. Gentleman added, that he entertained strong hopes that the committee would be enabled to make such recommendations as would induce the old railway companies which did not call upon the House for new powers in the present Session, to agree to adopt them. He was afraid, however, that the terms of the motion would preclude the committee from considering the case of any railway company, that did not come to Parliament for a new bill asking for new powers during the present year. He, therefore, would suggest to the right hon. Gentleman the propriety of enlarging the terms of his motion, and making the proposition so comprehensive as not to preclude the committee from considering the subject of railway legislation generally. If he did not do so, he would find that the committee would be excluded from going into the consideration of this important part of the subject. He agreed in the greater part of the general principles laid down by the right hon. Gentleman. On one point, however, he could not say, that he altogether agreed with him. He did not agree with him in considering it desirable that the Parliament and the Government should enter into some sort of compact or agreement with the existing railway companies, with a view to the promotion of the construction of competing lines of railway. The right hon. Gentleman said, that he did not consider that in cases of competing lines the public would always derive the advantages which generally followed from competition, but that it often would happen, that the two companies would combine, and the public would not derive the slightest advantage from the existence of two lines. Now he could not help thinking, that in many cases competing lines of railway might be found necessary, in order to secure to the public those advantages which they were justified in expecting when such extensive powers had been given to those companies. He confessed, that he could not help looking with feelings of alarm at the monopoly of carriage which the railway companies were gradually obtaining. The right hon. Gentleman intimated, that he was of opinion, that this would not be diminished by Parliament allowing the construction of competing lines. He was not satisfied that this would be the case, but at all events they could do no harm, and they often would secure the public against the monopoly of carriage possessed by some of the railway companies. Now, in the part of England with which he was connected, namely, the west, there were two railways which, to a certain extent,

were competing lines. He alluded to the Great Western and the Southampton lines, and this competition had led to the reduction of the cost of carriage, He knew that this was the case as regarded the charge of carriage to Bath. He happened very recently to be at one of the stations on the Southampton line, and he saw a number of parcels directed to Bath. He had made inquiry on the subject, and was informed that that company was competing with the Great Western line, and that when they had a branch to Salisbury, there would exist a still greater degree of competition, and this he thought would undoubtedly be attended with benefit to the public. He was satisfied that the right hon. Gentleman had stated too positively that no advantage could be derived from competing lines. There was one other topic to which he wished shortly to advert. He was sure that the public would feel obliged to the right hon. Gentleman for having directed his attention to the high rate of the fares charged for third class passengers, as well as for the inadequacy of the accommodation afforded to them. He was satisfied that any one who had recently travelled on the continent could not help being struck with the great advantages and beneficial results which were produced by the low third class fares. There artizans went to a distance to their work in the morning, and returned in the evening, and even labourers went short distances by these railroads to their meals, while in this country the exorbitant fares demanded for third class passengers pressed most heavily upon the humbler classes. He would only say, that the country generally was indebted to the right hon. Gentleman for having turned his attention to this point, as well as to the general subject of railways. He would again suggest to the right hon. Gentleman the propriety of altering the terms of his motion.

Mr. *Gladstone* said, that he ought probably to have stated the reasons which had induced him to draw up his motion in the form in which he had proposed it. He was anxious, that the attention of the committee should be directed, in the first instance, to those railway companies which were about to apply to the House for additional powers. He hoped, also, that he should shortly be enabled, with the concurrence of all the existing railway companies, to submit the general subject of railway legislation to the committee. As for enlarging the terms of his motion he would only observe, that if it was found desirable to do so, nothing could be easier than to enlarge the powers of the committee from time to time by means of further instructions, and that was the course which he should pursue.

Mr. *Roebuck* was very glad that the right hon. Gentleman had taken up this important subject, and had brought it under the consideration of the House. He could not, however, understand the sort of half-and-half way in which the right hon. Gentleman intended to deal with the subject. There could be no doubt that a great revolution had been made in our social relations, and a new element had been introduced by the adoption of the railway system. These companies came to Parliament and asked it to create certain monopolies, for these companies were undoubtedly of that character, and to this Parliament had assented upon certain conditions. He would request the right hon. Gentleman to consider this question as a whole, and not in parts and fractions, but as one great monopoly question. He trusted that the right hon. Gentleman would go into the whole subject, and not content himself with dealing merely with those cases in which railway companies applied for fresh powers. It should be remembered that this monopoly had been forced upon us by the extraordinary advances that had been recently made in physical science, and which could not have been dreamt of twenty years ago. He wished to deal with the railway companies which were now in existence in the same way that they would deal with those new companies which now came to Parliament for the first time. These companies obtained certain monopolies from Parliament, and it undoubtedly possessed the right and power to deal with them. He therefore regretted that the right hon. Gentleman had limited the powers of the committee, by shackling their inquiries. He thought that the right hon. Gentleman had fallen into some confusion of ideas respecting competing lines. The right hon. Gentleman said, that competing lines would tell against the public, and would not be productive of benefit. Now let them take the case referred to by the right hon. Member for Taunton. The Great Western went to Bath, and the South Western to

Southampton, but supposing that it was extended to Bath, would not that competition increase which already existed to a limited extent between these two companies? He could not conceive any evils which could arise from the existence of such a competition. He should at any rate, be glad to have the principle tried, and to see whether the result would not be to lower prices by means of competition. These companies already possessed enormous power, and which would be increased by their union. Suppose that, by their union, the several companies formed one great railway company for the whole of England, it would have the complete command of communication throughout the country, and its power would be absolute and unlimited. The right hon. Gentleman said, that these companies might come to an amicable arrangement with one another, but this did not seem to be the case between the Great Western and Southampton lines, where the effect of the competition had been to lower prices. He had heard it said, that the effect of having three gas companies in any place, would be to keep up prices by means of two of them uniting secretly. Now, he wished to see whether they could not make provision to prevent this occurring between bodies to which the Legislature had given certain powers, and which it intended should be competing bodies. It had been intimated that past railway bills should not be dealt with by Parliament, but Parliament had a perfect right, and possessed the power of dealing with them as with any other bodies. He, therefore, intreated the right hon. Gentleman to give full powers to the committee to go into the whole subject, or otherwise but little benefit would result from its labours. He would take the case of very great hardship which had been alluded to by the right hon. Gentleman, namely, the treatment of the third class passengers by some of these companies. He would say, if the committee did not interfere with the power which was exercised by the present railway companies as regarded these passengers, they would do little or no good. The treatment to which this class of passengers was exposed to on some of the railroads was really disgraceful. He knew of one railroad where the first class passengers could go a certain distance in six hours, while the poor man could not go the same distance in less than fifteen hours. He believed that the fact was, that on the Great Western railroad there was no third class trains by day. Now, he wished to know, whether or not they were going to interfere with past railways, as he should term those for shortness, which had already obtained bills from Parliament. He would, at once, tell the right hon. Gentleman, that if he did not deal with this question as a whole, he had better not touch it at all. He conceived that Parliament had as much power to interfere with the existing railroads, as it had to pass bills for the formation of new railroads. It was the duty of Parliament to interfere for the benefit of the public. Take the question of the third-class passengers who were going to Bath. They could not go by day, and when they proceeded at night, they had to stand all the way. When they arrived at a station, there was no place for their shelter or accommodation; and, whatever might be the state of the weather, there was no fire at which they could warm themselves. He or any other hon. Member could travel in a carriage in which they found almost the accommodation of a drawing-room, so that travelling to a distance was not attended with any inconvenience; but this was not the case with the poor man, who was deprived of all comfort by the way, and was exposed to every inconvenience. He should say, therefore, if these proceedings of the existing railways were not inquired into, with a view to remedy them. Parliament would neglect its duty. There was another point, even still more important, to which he should be glad to have the attention of the committee directed—namely, the best means of facilitating the laying down of lines of communication upon existing roads, and the obtaining, where feasible, estimates of the expense of laying down such lines. The House had given certain parties power to make railways; those parties had done this in the most extravagant manner, expending 60,000*l.*, for instance, on the construction of one mile of road. Now, was the public to bind itself to pay hereafter, and for all future time, this preposterous expense of 60,000*l.* per mile? Surely not. If you look at the Belgian and German railways, you find the expense of their construction to have been infinitely less than that of our own, while the rapidity of travelling on them is very nearly, or quite equal. Was it to be laid down as a rule, he would

repeat, that because certain parties had chosen to expend 60,000*l.* per mile, the people were to be for ever answerable for a heavy interest upon this monstrous outlay? He was prepared to say, that as advancing science taught us improved modes of laying down railways, they might eventually be constructed for 2,000*l.* per mile, instead of 60,000*l.*; and he was most assuredly prepared to contend that the public ought not, under such circumstances, to be called upon to pay the larger sum for practically the same accommodation which the smaller outlay would realise. He, therefore, hoped the right hon. Gentleman would not confine the inquiries of the committee to one single point or principle, but would extend those inquiries to all the railways now in existence, and to all the laws and regulations of those railways—to all that science, to all that experience now taught, to all that jurisprudence required. When the committee had procured full information upon the whole of this most important question, let it be laid in a complete form before the House, and let the House then proceed to deal with the subject in a way that should show its sole consideration to be the public interest, before which all monopoly must give way.

Mr. *Charles Russell* said, he was induced to rise in consequence of some observations the hon. Gentleman had made with reference to a particular railway, the Great Western, with which he (Mr. Russell) was intimately connected. The hon. Gentleman told the House that he understood third-class passengers were conveyed by that railway only by night; it was perfectly true that third-class passengers did travel by night, but there was also a day train by which they were conveyed. The hon. Gentleman talked of the length of time occupied by the third-class travellers on their journey. He should be glad to know how third-class passengers could travel by any other mode of conveyance so rapidly? Starting at half-past four in the morning, they reached Exeter, a distance of more than 200 miles, by nine at night. The hon. Gentleman said that third-class passengers were obliged to stand up: this was an entire mistake, the fact being that commodious seats were provided for them. It was true, indeed, as the hon. Gentleman said, that the third class carriages were not covered in, but there were backs to each carriage which extended someway over the heads of the passengers, and gave them shelter. It was highly desirable that Gentlemen, before they made such statements as those advanced by the hon. Gentleman, should make themselves better acquainted with the facts. He could assure the House, on the part of the Directors of the Great Western railway, and he believed he might very safely include those of the other railways, that the various directors were extremely anxious to promote the comfort of the third-class passengers, to the utmost extent that was consistent with a fair and reasonable outlay of the company's means for that object; but it could not be expected that the companies should promote the comfort and convenience of the third-class passengers at a sacrifice of their resources beyond that fair and reasonable point. He was satisfied that the inquiry now proposed would show most clearly that the greater portion of the railways in this country carried third-class passengers at a loss. He would merely add, that there was a general disposition on the part of the Great Western Railway Directors, fully shared, he believed, by those of the other railways, to promote the inquiry proposed by the right hon. Gentleman. Some hon. Gentlemen proposed to carry the inquiry much further; he was persuaded, that at all events, the House would never consent to interfere with the rights of vested property.

Mr. *Wallace* said he was the person who had proposed the former committee on Railways, which he obtained from the late Government, and he had devoted much attention to the subject; he wished, therefore, to say a few words now. And first let him say he was very gratified to find the Government instituting this inquiry; and when it was appointed he hoped it would be enabled to conduct its inquiries in that spirit which had been so well described by the hon. Member for Bath; that it would not be an inquiry upon an isolated point or two, but that it would be conducted on this principle—that the poorer classes of the country have always had, and always ought to have, an equal right to equal accommodation on the public roads of England, Scotland, and Ireland with the richer classes of the people, and that they ought not to have a distinction so glaringly marked between them on these railways. The exclusion, to a large extent, on the roads of the

country, of the old means of conveyance, had given to the railways the monopoly which it had been clearly foreseen they would have by all persons acquainted with the turnpike system. It was the anticipation of this effect that induced the committees upon railway bills, when so many of those measures were before the House, in 1833, 1834, and 1835, to take special care to inquire of the promoters of those Bills in what manner they meant to protect the public, and what amount of return they expected from the public; and the general answer was, that the companies would be contented with six or seven per cent. profit. This was a positive fact, and hon. Gentlemen would do well to refer, at this time, to the evidence taken before those committees. As to the disposition of the railway companies, to which the hon. Gentleman referred, the disposition which he (Mr. Wallace) had seen evinced by the railway companies, was to look after their own interests most especially: to do, in fact, as other companies and private speculators do, to look especially and solely after their own interests; and he had seen of late, with great regret, but without an atom of surprise, that wherever there were competing companies, the one of these had been buying up the other, for the purpose of raising the fares upon the public. The public were never by any chance consulted on these points; the principal inhabitants of the towns passed through had it in no way put to them whether they could afford to pay for it, whether it were required or not, but by the mere arbitrary act of the railway directors, the fares were raised to what rate they pleased in order to fill their coffers. He could say, of his own knowledge, that the fares had been raised twice on the Grand Junction and on the London and Birmingham railways, which were the two most flourishing in the kingdom, and this without any reason at all, as far as he had heard. He should like to know why the same, or similar protection from the weather was not to be afforded to the working man as to other people? As to the expenses, let the companies put the high and low prices together, and they would have plenty of profits out of which to provide better accommodation for humble travellers. On Monday last, when he arrived at Lancaster by the mail coach from Scotland, and was taken to the station there, several persons who had accompanied him began to inquire for the second-class train. "Oh," was the answer, "there's no second-class here." "Well, then," said the applicants, "we'll go by the third class." "Third class!" cried the clerk, "we never heard of such a thing here." "But we have not money enough to go by the first class," said the poor fellows, honest, sober, steady cotton-jackets. That was their affair, they must get on as they could then. He did not know how the rest managed, but one or two who were pressed for time, sacrificed their money, and came with him in the first-class carriage. Now, this was a monstrous case. Here were these honest artizans, and thousands in the course of the year similarly circumstanced, wanting to make their way on, at reasonable charges, suitable to their means; but no second-class train, no third-class train for them, and they must either lose money by taking the first-class carriage, or perhaps lose work as well as money in the meantime by stopping till the next day, when the company should be pleased to let a second-class train go. He hoped the right hon. Gentleman would allow the committee to have full swing to inquire into the whole subject and then there would be something like a satisfactory statement of the case before the public. He remembered, that on the occasion of the former railway committee being appointed, a right hon. Gentleman, who had spoken that evening, was extremely anxious about the rights and interests of the proprietors of railway shares; and he then, as he now said, that this was a class of persons who could take very good care of themselves. Before he sat down, there was one circumstance immediately connected with this subject which he wished to mention. Parallel with the line of the Greenock and Glasgow railway, there was a canal which had competed with the railway; the railway had lately bought from the canal all right of conveying passengers, and no person could now avail himself of the latter conveyance, of the choice of which thousands of persons, who regularly went from Glasgow to Greenock to carry home their wefts, were thus arbitrarily deprived. One consequence of this was, that many persons who lived in the villages on the way, and who used to be carried home by water, were now obliged to walk, if they did not think fit to use the railway. He trusted the House

would see the propriety of extending the inquiry to existing as well as to future railways. All those who were engaged in obtaining the acts for the former, obtained them on the principle that they were to furnish the public with faster, cheaper, more commodious, and more secure conveyances. They had supplied faster, and, to some classes, more commodious conveyances; but certainly the greater cheapness was yet to be effected.

Sir *R. Peel* hoped that the House would accede to the proposition of his right hon. Friend, and in the first instance direct its attention to the proposal which was immediately made—that was to say, there being many applications for the establishment of new companies, and some proposals for the amalgamation of existing companies, that the House should proceed to appoint a committee for the purpose of considering what new conditions should be attached to the companies, in producing new lines of railway, and to the other companies which simply proposed to form a union together. There were good reasons for their confining themselves, in the first instance, to one particular inquiry; it was most important that they should not interrupt the progress of legislation, but at as early a period as possible, make a specific report on those points which affected the interests of new companies, and of companies which proposed to unite. The House was aware, unfortunately, of the expense attending litigation as to railways, and would, therefore, consider it a public object to relieve, as far as possible, these new companies from any expense which could properly be spared; and the committee which his right hon. Friend proposed could not do better than to direct its attention to that specific object, what conditions should be imposed upon the new or amalgamated companies. They were perfectly authorised in attaching what conditions they pleased, to place what limitations they thought proper as to profits, and to impose what regulations they deemed right, on the applying companies as to the conveyance of third class passengers. He was not at all insensible to the evils of the monopoly which he considered Parliament had given to the existing railway companies; but he must contend for this great principle—that there was a material distinction to be drawn between companies approaching Parliament for the first time, and asking for authorization, and companies which, on the faith of Parliament, had invested their capital in the construction and establishment of great railways. Parliament, it was true, might repent of the indiscretion and levity with which it had granted those powers to those companies, but still the powers had been granted. He did not deny the perfect competence of Parliament to interfere with existing railways, as well as with future ones; but he would advise Parliament to be very cautious how it interfered with the profits or management of companies which had been called into existence by the authority and had invested their money on the faith of Parliament. The hon. Gentleman said, that all the railway companies looked to was their own interest; to be sure it was; and what else was the life and soul of all business—all commerce, all speculation? It was precisely by the vigorous, judicious, steady pursuit of self-interest, that individuals and companies ultimately benefitted the public at large. There were, indeed, some cases in which he at once admitted that it would be right for Parliament to interfere with the existing companies; such a case, for instance, as that referred to by the hon. Gentleman of the Glasgow railway and the canal traffic, which he did not think could at all have fallen within the original meaning of Parliament in authorizing the railway, but, he would repeat, as a general principle, the House ought to have great regard to those cases in which large bodies of men had invested immense capital in certain speculations on the good faith of Parliament; he considered that in such cases, the House should hesitate very long ere it adopted such comprehensive principles of interference as those laid down by the hon. Gentleman. In his opinion the natural control over these companies was not by minute interference with their gains, or their management, but by holding out to them the menace of competition. To say to a company, "here you are dividing 15 per cent., whereas you told Parliament, some years ago, that you would be content to divide 6 or 7 per cent., and therefore we claim a right to interfere with your line by a competing one;" this would be laying down a principle destructive of all speculation. Let not the House limit its consideration to the alleged misdeeds of particular railway companies, but take a comprehensive view

of what had been done, on the faith of Parliament, by railway speculation. Without the advance of a single farthing of public money, what enormous advantages had been secured to the whole public by the investment, in this direction, of private capital? And how very large a proportion of that private capital so invested had not merely obtained no profit, but been attended with a heavy loss. True it was that the shares of one particular railway were at a premium of 140 or 150; true it was that the shares of another railway were also at a considerable premium; but how many other railways had found their shares falling and falling away to 40 or 50 discount. The public derived equal advantages from both the losing and the winning speculations; and, therefore, if hon. Gentlemen thought the country entitled to demand certain sacrifices at the hands of those who were making a profit by these undertakings, ordinary justice required that the losses of the less fortunate speculators should be made up to them by public compensation. The hon. Gentleman said, let us compel the companies to put on third-class trains; to do this, they must supersede the directors altogether, assume the whole management, and become responsible for the whole conduct of the concern, which would be a most mischievous blunder. To suppose that hon. Members, that the Legislature, could direct the daily, the hourly arrangements of a railway, was quite out of the question. But the House might say this to a railway company. We find your profits oppressive to the public pocket; we find your means of communication wilfully inadequate to the public accommodation, we shall, ere long, think ourselves justified in encouraging a new company, to supply the advantages you withhold. The hon. and learned Gentleman opposite asked, are we not justified in profiting by every new discovery in science? He quite concurred with the hon. Gentleman, that we were so justified. The hon. Gentleman said, we are not to remunerate one set of railway people, at the rate of 60,000*l.* a mile, when we can obtain the same advantages at the rate of 2,000*l.* a mile. Again, he quite concurred with the hon. Gentleman. If we could apply railway combination to a turnpike road, at an expence of 2,000*l.* a mile, clearly the existing railway company had no right to exclaim against us for taking advantage of the cheaper method. If the old railway company said, "We expended 60,000*l.* a mile on our road," the answer would be, "Well, and we gave you a monopoly; we gave you certain advantages. You spent your money at your own risk, and we used your road so long as we needed it; but there is a new discovery in science, which answers our purpose better, and you must submit to the loss, as other speculators have done." At this present moment, a new discovery in science was in practical operation, and it would be well for the existing railway companies to consider well and seriously what might be the effect of the Atmospheric Pressure System. Scientific men, who had gone in doubt to examine the practical working of that system, had come back with very altered opinions as to the utility of applying the principle to railways. He had seen the ingenious men who were entitled to the credit of the discovery, two brothers of the Jewish persuasion; and from all he heard, the experience of its working on a few miles of road was such, that he thought a doubt might very reasonably be entertained whether it were not capable of being equally applied to hundreds or thousands of miles. He agreed with the right hon. Gentleman, that it would be unwise on the part of the Legislature to encourage two competing lines, running very near each other; but he was quite sure the right hon. Gentleman did not mean to exclude such competition, for instance, as might take place between London and Manchester, passing by another line, through new towns, serving all the practical purposes of competition, and yet not running in a parallel line to the old railroad; this he thought not liable to the same objections as a line running parallel, or within a few miles. As to the third-class carriage question, he himself thought the companies were neglecting their own interests in not affording more extensive facilities for this class of travellers. Those who being able to afford first or second class carriages, availed themselves of the greater cheapness of the third class carriages, might be said to be hardly acting fairly, but this was not the question; the question was, whether it would not be to the interest of the railway companies to carry as large a number of passengers as they could, at the cheap rate? He thought it would.

Mr. *S. Wortley* conceived, that the House was bound to maintain in the hands of the existing railway companies, to as large an extent as was consistent with the public interest, the powers which it had given them, and on the faith of which they had invested large sums of money. At the same time, he must say, that as far as he had observed, it appeared to him, that there was some reason to complain of the want of accommodation upon the railways, on the part of persons in the lower class of society. The right hon. President of the Board of Trade had been urged by several Gentlemen to enlarge the powers proposed to be given to the committees, and to extend their inquiries to a far wider sphere. He concurred in this suggestion, and trusted his right hon. Friend would attend to what had been pointed out to him on this subject; the committee might in the first instance, indeed, confine itself strictly to the points affecting the applications about to come before Parliament, and then proceed to others. There was one question which, in his opinion, it behoved the House to turn its attention to, but which could not be reached by the terms of the resolution as it stood. He referred to the necessity which he thought existed for introducing a provision, empowering parties to resort to some other process of assessment of property required to be taken for railways, than the ordinary jury. He believed no person who had been engaged in controversies of this nature could fail to be aware how extremely imperfect a tribunal an ordinary jury was, for the assessment of compensation to parties affected by railway lines. He knew of cases of very considerable hardship which had occurred. Persons, whose property was affected by a railway speculation, were quite at the mercy of the company; if they asked what they deemed a fair price for their property, they were often fain to take less, threatened by the company with reference to a jury; for what was this reference? The reference to twelve men whom you cannot challenge, and chosen in such a way that it is impossible for you to know what interest they have in the speculation, and the consequence was, that very great injustice was frequently inflicted. He wished the right hon. Gentleman to take this point into consideration. The most effectual remedy would be to refer such questions to arbitration instead of to a jury; he thought both railroad companies and proprietors of land would readily adopt this alteration.

Mr. *P. M. Stewart* agreed in the necessity of referring this very important subject to a competent authority, but if it were intended to confine it to the remodelling the existing orders only, he believed the committee would meet to little purpose. He had heard it said, that the application making for new competing lines had been equal at least to one-half of the existing ones. The right hon. President of the Board of Trade had himself, indeed, laid the ground for a complete revision of the railway laws of the existing companies. In addition to what had been so clearly pointed out that evening, there was one subject which of itself demanded an extension of the powers of the committee. Last year, the Chancellor of the Exchequer made a most important alteration, and as far as regarded the travelling public, a most advantageous one, in reference to the principle on which the tax on railways should be levied, changing it from a uniform mileage on all fares to a per centage on the gross receipts. To a certain extent this had worked advantageously; and if this committee were to have power to enquire into the whole case of the working of existing railroads, there would result, he was certain, suggestions which would in their turn lead to the realization of what seemed to be generally considered an important object, the extension of third-class carriages, and additional accommodation to passengers in a humble station. One of those suggestions was, that there should be no tax at all on fares below a certain amount. At the present moment, the public income derived from railways, which many persons thought an altogether objectionable revenue, amounted to 80 per cent. from the first and second class fares, the remaining 20 being contributed by the third class fares. Now, if the tax on these lower class fares were remitted altogether, this, he had reason to believe, from conversations with the directors of the Great Western and other railways, would form an inducement for them to attach third class carriages to almost every train. As to what had fallen from the hon. Member for Greenock, respecting the Greenock and Glasgow Railway, he would beg to observe that the railway in question was one of the very cheapest in the kingdom.

First class passengers were conveyed by it twenty-two miles for 2*s.* 6*d.*, and third class passengers the same distance for 6*d.*, the same rates as they used to be by the canal. The importance and usefulness of railways had been ably vindicated by Members of the Government; but there was another point which required the investigation of a committee, in addition to those which had been mentioned—namely, that in consequence of the encouragement given by foreign Governments to the construction of railroads, British capital was, as the right hon. Gentleman well knew, directed to that object in a degree that was extremely inconvenient. Hitherto, the right hon. Baronet said, the great works of railroads had been carried on without the expenditure of a single public farthing, and without any interference on the part of the Government, except in the necessary control of their proceedings; but he would ask his right hon. Friend whether it were not essential that on this subject, to which he had imparted so much importance by his statement, it should be distinctly understood that, although the committee was now limited, for the despatch of business and for the limitation of expense, to the motion now pending before the House, yet that before it should be dissolved, instructions might be given from time to time to enable the committee to act upon such suggestions as those offered by the hon. Member for Taunton, without which legislation would be injurious rather than beneficial.

Colonel *Sibthorp* perfectly coincided in the opinion, that these companies considered their own interests alone, and cared nothing for that of the public. He had felt it his duty always to stand in opposition to every proposition of every railroad whatever, and he found no reason to change that opinion. He considered it to be the duty of the right hon. the President of the Board of Trade, of the committee and of the whole House to take all possible precautions against the gross attacks and inroads that were made upon that which, until railways were introduced had been always held sacred—the rights of private property. The grossest attacks had been made upon those rights by these monopolising and irresponsible companies—for such they were in every sense of the word. He called upon the Chancellor of the Exchequer to avail himself of the opportunity, and to lay a fair tax upon these monopolising companies. Let the House look at the number of families and of respectable individuals who had been ruined by means of the railroads—he alluded to the innkeepers and those who lived by little shops in the various provincial towns, and who, although they were a most respectable class and had afforded great accommodation to the public, were ruined in their business and in their prospects by the establishment of these monopolies. Travelling by railway might be a very pleasant and certainly was an exceedingly quick mode of travelling; but we should consider the injury which they had occasioned to so many industrious and respectable persons. He had lived to see many important changes—he had seen an administration turned out of office, having previously lost all character; and he had seen a respectable administration filling its place; and he hoped to see the injuries occasioned by the railway companies remedied, and such enterprises placed under proper regulation.

Mr. *Plumptre* said, there was one point to which he thought it necessary to call the attention of the House, which was the use of railroads on the Lord's day. He was quite sure the committee would not, and could not, calmly contemplate any deliberate desecration of the Lord's day; and if the convenience of the commercial and travelling public were to be studied, he trusted it would not be forgotten that there was another public — the religious and moral public—whose feelings ought not to be disregarded. Great offence had been given by what was considered the undue use of railroads on the Lord's day, and he hoped that this grave and important subject would receive due consideration.

Mr. *French* begged to say one word in reference to what had fallen from the right hon. Baronet at the head of the Government. That right hon. Gentleman had pronounced a high eulogium upon the system of railways in England. He could not hear that without protesting against it. He asserted that in consequence of the system adopted in England upwards of 20 millions of the public money had been uselessly expended, and three times the charge had been imposed upon the public beyond the amount in Belgium, where the government interfered.

Motion agreed to. Committee to be nominated.

Merchant Seamen's Fund.] Mr. *Gladstone* had also to move for a committee with reference to the Merchant Seamen's Fund, a subject of considerable importance and interest. Shortly after the commencement of the last Session of Parliament his attention was drawn to this subject and he found that committees had been appointed some years ago, and had made several recommendations, but that no steps had been taken to embody those recommendations into a law, and, indeed, the committees had not recommended such a proceeding. He must say, that apparently there was strong ground for the reasonableness of this course, for the committee were of opinion that any change must be approached gradually. On looking into the reports, however, it appeared to him plain that the Merchant Seamen's Fund was in a state which called for more stringent measures than the committee recommended. There were certain defects in the system which the committee proposed to remove, such as the uncertainty and irregularity of the administration of the fund in different parts of the country, and the necessarily expensive system which this involved; but on looking further into the neglect, graver difficulties presented themselves to view—for instance, it was extremely doubtful whether, if, at this moment, the affairs of the fund were to be wound up, it would be able to meet its liabilities. Gentlemen were aware that it was in the nature of a great insurance company. It had payments to make which were of an immediate nature, but it had also liabilities which would arise at distant and remote periods. As to the payment of pensions, he believed that no difficulty could possibly arise; but the ultimate solvency formed the difficulty, and the whole question was one which required the immediate and serious attention of Parliament. There were two reasons why the Government considered it advisable to appoint a select committee—first, that the matter had been already considered by a select committee, and the House would thereby have the assistance and advice of many Gentlemen who had turned their minds and attention to it; and the other reason which influenced the Government to come to the same conclusion was, that the merchant seamen, who as a class had, of all others, perhaps the strongest—certainly no other class had stronger—claims upon the sympathy of Parliament, were, at the same time, of all others the class who were least in the habit of approaching Parliament with the expression of any opinion. He confessed he viewed the opinions of these seamen as a very material element in the consideration of the question of this fund, and he trusted that, by composing the committee, in a considerable degree, of the representatives of the seaports, the House would have the opinions of persons whose local knowledge and communications would give their recommendations an advantage which they would not otherwise possess. The right hon. Gentleman moved for the appointment of a select committee to inquire into the state and prospects, and into the advantages of the Merchant Seamen's Fund.

Mr. *Labouchere* confessed, that he was somewhat disappointed at the course which the right hon. Gentleman had taken. Early in the last Session, he (Mr. Labouchere) had called the attention of the Government to the subject, and from what the right hon. Gentleman then said, he had hopes that the Government would in this Session, not propose a committee of inquiry, but would be prepared with a well considered measure for the deliberation of the House. The subject had already been thoroughly sifted and examined by a committee. In 1840, when he filled the situation which the right hon. Gentleman now occupied, complaints were received from the ports as to the application of the Merchant Seamen's Fund. He thought it perfectly right, as the right hon. Gentleman also thought, that the matter should undergo a previous investigation before a committee of the House of Commons, at which the representatives of the seaports could attend, before the Government was pledged; but the subject having been considered by a committee of the House of Commons, that committee having received a great deal of evidence, and having drawn up a detailed and voluminous report, in which they made certain distinct and definite propositions, he regretted that the right hon. Gentleman should find it necessary again to refer it to a committee for consideration. The right hon. Gentleman said, that the previous committee had not recommended legislation. He found that they did expressly recommend legislation. They said in their report that, upon consideration of the whole subject, they ventured to

recommend an alteration of the law; and then they proceeded to state what that alteration was. It was true the committee stated that they thought further consideration of the subject advisable; but it was clear to any one who looked at the report, that that consideration should be given by those who ought to be best qualified to carry their recommendations into effect, namely, the Government, in communication with the local interests, for they did not recommend that another committee should be appointed on the subject this Session. He, therefore (while he gave the right hon. Gentleman full credit for taking that course which he considered best calculated to bring this important and intricate subject to a satisfactory conclusion), must say, that after what had occurred last session, it is not without some disappointment that he found the right hon. Gentleman proposing to refer the subject to a select committee, instead of taking it up on the responsibility of Government. He hoped, however, he need not despair of the preparation of some bill, arising out of the deliberations of the committee, which might pass into a law this Session. The Government, he trusted, had matured some scheme which they were prepared to submit to the committee; for if the whole subject were to be placed before a committee, without guide and without compass, he feared the whole of this Session might be consumed in taking evidence and conducting the deliberations, and that the House might not arrive at that most desirable conclusion of putting the law upon a satisfactory footing.

Sir *C. Napier* trusted the right hon. Gentleman would do what he could to correct the abuses existing in the administration of this fund. He had received many complaints from the sea-ports of its misapplication, and if he could be of any use in sitting upon the committee, he should be happy to form one of the number.

Mr. *Gladstone* begged to remind the right hon. Gentleman opposite that some of the most serious considerations connected with this subject, and those which created the greatest difficulties, had not been investigated at all by the former committee. The main point of the foundation of the fund, and the means of permanent payment, had never been touched upon. There were certainly a number of recommendations upon details of a subsidiary nature, and which might be wise as they related to minor points, but the most important matters had not been touched upon at all. At the same time, the committee having placed their opinions on record, and the Government conceiving their recommendations to be inadequate to the exigency, there would be some difficulty in altogether throwing overboard the suggestions of the committee.

Mr. *Hume* said, he had last Session received a great number of petitions from Montrose and other seaports on the coast of Scotland, desiring to be enabled to lay their grievances before some committee. He, therefore, thought that such a committee, undertaken by the Government, with a desire to see and to remedy all evils was a proper step, and he could see no objection to it. He hoped there would be no unnecessary delay, and that some legislation would take place before the end of the Session.

Motion agreed to.

House adjourned at seven o'clock.

HOUSE OF LORDS,

Tuesday, February 6, 1844.

MINUTES.] BILLS. *Public.*—1ª. Gaming Actions Discontinuance.

PETITIONS PRESENTED. By Lord Redesdale, from Boston, and 28 places, for Protection of Agricultural Interest.—By the Marquess of Normanby, from Belfast, complaining of omission of Roman Catholics from Jury (Dublin).

PROPERTY OF FELONS.] The Duke of *Richmond* said, he rose, in consequence of the notice which he had given yesterday, to call the attention of the House to a circular letter addressed by the Lords of the Treasury to the clerks of the peace of the different counties, on the subject of property belonging to felons. It was dated the 2nd of December, 1843, and was signed by the assistant-secretary of that body. In bringing forward this subject he did so without meaning to impute blame to any one; but at the same time he must observe that all matters of this kind were formerly settled by application to the Secretary for the Home Department, to which department this subject naturally belonged, and he thought that the course taken by the Lords of the Treasury would not have been adopted if the question had been duly considered. As the law at present existed, the property of every person convicted of felony went to the Crown. Under these circumstances, those whose duty it was to look after these matters were naturally

anxious to seize as much of such property as they could; but, in acting on that principle, they ought undoubtedly to adhere strictly to the law. Still, the magistrates and the ratepayers in counties thought it very hard upon them that they should have to maintain the prisoners, and yet receive no part of the expense out of any property of which, at the time of conviction, they might be possessed. They felt it to be very hard indeed that all the property should go to the Crown, and nothing should be set aside to repay the county for the expense that had been incurred. The circular letter, however, went further, and he was sorry that the Lords of the Treasury were not better advised than to send it forth. The first paragraph of the circular directed,

"That in every case of committal for trial, either at the quarter or general Sessions or to the Assizes, the Magistrate should state on the back of the warrant of commitment what money, goods, or effects have been found in the possession of the prisoner, and in whose hands deposited; so that the same may be entered in the quarterly return sent to their Lordships by the clerk of the peace, and be duly accounted for to the Sheriff."

Now, he had no objection to that, for at present the governor of every gaol was bound to take an inventory of all property in the possession of persons committed for trial, and they were responsible for its not being made away with; but to the second paragraph he felt the strongest objection. That paragraph ran thus:—

"I am further directed to suggest, that in cases where there is reason to believe that persons accused of felony have any property whatever other than that found in their immediate possession, inquiry should be made at the residence of the prisoner, or at any other place known to have been frequented by him, for the purpose of ascertaining the particulars and value of such property, and the result communicated to the clerk of the peace, in order that the same may be included in the quarterly return above-mentioned."

How was this order to be carried into effect? Why, if a constable were to enter a house for the purpose of making such an inquiry, he would be liable to an action for trespass; but, supposing he were allowed to enter the House, how could he distinguish whether the property there belonged to the prisoner or not? How could he tell who had, or who had not, a legal claim to the property? Would he be allowed to examine partnership accounts? Such a proceeding was not recognized by the law of the land; and if such inquiries were made, he would go to the prisoners as a visiting magistrate, and tell them to make over their property to some person before their conviction, for it did not become the property of the Crown until that conviction took place. He trusted that the noble Lord (Lord Wharncliffe) would agree with him, that the second paragraph of the letter had better be omitted, that the Lords of the Treasury should withdraw it altogether, or that it should be amended. The noble Duke concluded by moving for the production of the letter.

Lord *Wharncliffe* had no objection to the production of the letter. By the common law of the land, as the noble Duke had correctly stated, the goods of convicted felons were forfeited to the Crown; and, until a few years ago, a regular return of such goods was made. Some very strong instances had, however, arisen, where the property of prisoners had fallen into other persons' hands illegally, and had been retained by those persons. One occurred at Brighton, when 40 sovereigns were taken from a prisoner, and not given up. A still stronger case had occurred in Westmoreland, when no less a sum than 2,000*l.* was kept back, and was with difficulty, and after a long lapse of time recovered. He admitted, that in particular cases, the recommendation contained in the second clause of the letter could not be acted upon; the first clause was perfectly right; the constables were bound to state the amount of money found on the persons of prisoners, and magistrates ought to attend to that suggestion. The second clause he did not think the Treasury expected to be obeyed in the way the noble Lord suggested; it was not intended to put the magistrates or clerks of the peace or of assize to any expense; but was intended as a suggestion to the magistrates that they should do something more than merely commit the prisoners. The object of the principal recommendation was, that on every apprehension the officer should be compelled to mark on the back of the commitment the amount of money found upon the prisoner. He thought that it would be well for the magistrates to attend to that suggestion, which he conceived would be attended with beneficial results. It was also recommended, that when the constable took the prisoner into custody he should inquire into the property possessed by the prisoner; but he knew not on what principle

his noble Friend could suppose that it was thereby intended that the constable should inquire into the undivided profits of partners.

Lord *Brougham* was very glad that this subject had been brought under their Lordships' notice. It was quite impossible to defend the second paragraph of the letter, which was directly contrary to law. It was there recommended, that the constable should inquire into the amount of property belonging, or which he had "reason to believe," belonged to a prisoner. It was utterly impossible to defend such a clause, inasmuch as it encouraged an officer to commit a trespass.

Lord *Campbell* conceived, that it was the duty of the Secretary for the Home Department, or the Lords of the Treasury, to have submitted this letter to his noble and learned Friend the Lord Chancellor, or to the Attorney-general before it was issued. The second paragraph was evidently contrary to law. With respect to the forfeiture of the property of felons, he was of opinion, that the sooner the law relative to it was revised the better. As the law stood, if a convicted felon were possessed of 100,000*l.*, it was all forfeited to the Crown. Now, surely, some portion of it ought to be reserved to meet prosecution or other expenses.

The Duke of *Richmond* thought it would be desirable to have a letter written to the different clerks of the peace, directing that the second clause (which he thought ought to be omitted) should not be acted on.

Chinese Treaty.] The Earl of *Clarendon* said, he should take that opportunity to ask the noble Lord, the Secretary for Foreign Affairs, some questions with reference to one or two points connected with the Treaty recently entered into with the Chinese—an explanation respecting which would render that important document complete and intelligible. That Treaty was, he thought, one of the very utmost importance, and it ought consequently to be well understood. Under that Treaty they were about to enter on a new field of commerce—under that Treaty they looked forward to a great intercourse of trade; and, as much of its success must depend on a strict adherence, on our part, to the terms of that Treaty, and the condition by which their future intercourse with the Chinese was to be regulated, it was essential that no misunderstanding should exist. And this was equally important also to foreign nations, who would in all probability be expected by the Chinese government to adhere to the whole of the regulations entered into by us. He was sure that their Lordships had heard with great satisfaction the declaration contained in the Speech delivered by Her Majesty at the opening of the Session, in which Her Majesty stated, that in her negotiations with China, she had "uniformly disclaimed a wish for any exclusive advantages;" and that it had been Her Majesty's desire, "that equal favour should be shown to the industry and commercial enterprise of all nations" with China as that which was granted to us. And their Lordships had no doubt understood from that announcement, that Her Majesty's desire had not been expressed in vain; and that in future the commerce of China would be opened to all countries. But there was no evidence in the Treaty then before their Lordships to prove to foreign countries that this was the case. British subjects, British ships, and British commerce were alone adverted to; and he looked in vain for any proof of those liberal feelings towards other countries which Her Majesty had expressed. He had no doubt the noble Lord would be able to inform their Lordships, that this was owing to some accidental omission or temporary delay, but it was desirable that no misapprehension even for a moment should rest upon a transaction which reflected so much honour upon this country, and established such an important principle of free competition for the whole world, in that which might possibly become the greatest market of the world, under a tariff so wise and liberal as that which the Chinese had adopted with respect to our manufactures, and the benefits of which would probably be extended to the produce of other countries. For this candour and liberality, and all the advantages they would derive from it, the Chinese were of course indebted to the instructions given by Her Majesty's Government to the eminent and enlightened officer by whom the Treaty had been negociated; and he was sure they could make us no better return than by undertaking to frame a tariff for us upon the same model as the one they had just accepted at our hands, and infusing into our commercial legislation the same spirit that would henceforth animate their own. The regulations appeared to him to be framed most carefully with a due regard to the customs of the Chinese, and with a view to prevent those insults and frauds

on their side, and the quarrels and disorders on ours, by which the intercourse between the two nations had been so frequently interrupted. These regulations, he apprehended, must be considered as part of the Treaty, equally binding with and having the same force as the Treaty; because in the second article of the Treaty they were referred to, and thus formed an integral part of it. But as this was no where positively affirmed, it was desirable to know that they were so understood and intended by Her Majesty's Government, whether British subjects were bound to obey those regulations, and whether Her Majesty's representatives in China had authority to enforce those regulations, as a portion of the Treaty engagements between the two countries? Some of those regulations were of a very stringent character, and they ought to be well known in this country, because on their due observance depended perhaps the continuance of our peaceful intercourse with China. The third regulation, respecting masters of ships, provided for the imposition of various fines for different offences. One of them imposed a fine of 500 dollars, and the confiscation of the whole cargo for unlading without a proper permission being first given; but nowhere did he find it stated, in these regulations, by whom or how these fines were to be levied, nor how they were to be applied. The next question he wished to ask, referred to the thirteenth regulation, which was one of the most important of the whole Treaty; but which did not appear to him to be expressed with sufficient clearness. It said, "Regarding the punishment of English criminals, the English Government will enact the laws necessary to that end." It had been stated, that Her Majesty's Government had framed a code of laws for this purpose, and the public should be made aware from authority if the fact were so; and therefore he wished to ask, whether Her Majesty's Government had drawn up any code of laws for the punishment of British criminals in China, in fulfilment of the regulation, and, if not, when those laws would be framed and in force? as it might be of urgent necessity, that Her Majesty's representatives in China should be empowered to enforce the provision of this regulation as early as possible. He wished also to know, whether, when the code was framed, all the consuls at each of the five ports where British subjects are now permitted to trade, were to have the power of executing and carrying into effect those laws, or whether that duty was to devolve only on the Consul-general or chief authority at Hongkong? The fourteenth regulation was the next to which he would refer, which was to the effect, that an English cruiser would anchor at each of the five ports that were now opened to us in China. He regarded this as a wise regulation, and necessary for upholding the power of the consul, as well as for keeping the Chinese authorities in check. He hoped, therefore, that the provision would not be of a temporary but permanent character, and as for the expense, he was sure it would be well bestowed, and he thought that money applied for the maintenance of peaceful relations between the two countries, would never be grudged by the people of England. He found it stated in the fifteenth regulation, that the British consul would henceforth be security for all British merchant ships entering any of the five ports; but it did not appear whether this meant security for the good conduct of the ship's company or for the payment of the duties to the Chinese Government; but whether it was the one or the other, he could conceive circumstances under which this security would place the consul in a position of considerable embarrassment. These were the questions he had to ask of his noble Friend. He was afraid that he had somewhat exceeded in length what the notice he had given might have led his noble Friend to expect, but these doubts had occurred to others as well as to himself, and he was anxious that no misapprehension should exist respecting a Treaty, which would not fail to produce satisfaction throughout Her Majesty's dominions.

The Earl of *Aberdeen* said, the regulations to which his noble Friend referred had been drawn up jointly by Sir H. Pottinger and the Chinese Commissioners, and therefore, certainly might be taken as a part of the Treaty. First, with respect to the punishment of criminal offences, two bills had been passed in the course of last Session—the Chinese Courts Bill, and the Foreign Jurisdictions Bill, by the operation of which Her Majesty's Government were empowered to frame laws for this purpose, and to carry them into execution. The governor and council of Hongkong had been accordingly empowered to frame laws for this purpose, and under one or both of these acts the governor of Hongkong would appoint persons to carry out the regulations, and it was intended that at

each of the five ports the consuls should execute the regulations applicable to each port. With respect to the presence of a British cruiser at each of the ports, he quite agreed with his noble Friend, that it was a regulation of the greatest importance; but he did not wish to be understood to say, that at no time should any port be without a British cruiser anchored there, but no port should be long without, and he trusted that each port would always have one, except when the exigencies of the naval service might require their temporary absence. The 15th clause certainly did present some difficulties, which he was not surprised that his noble Friend had misunderstood. During our former intercourse with China, as noble Lords would remember, the Hong merchants gave security to the Chinese Government for the payment of the duties. That body no longer existed, and the question, therefore, when this Treaty came to be settled, was, how the security to the Chinese Government was to be given? It was done in this manner—there was not a direct pecuniary security on the part of the consul; but if his noble Friend would refer to the third regulation, he would find it provided, that

"Whenever a British vessel shall have cast anchor at any one of the above-mentioned ports, the captain will, within four-and-twenty hours after arrival, proceed to the British consulate, and deposit his ship's papers, bills of lading, manifest, &c., in the hands of the consul. The consul, having taken possession of the ship's papers, will immediately send a written communication to the superintendent of customs, specifying the register tonnage of the ship, and the particulars of the cargo she has on board; all of which being done in due form, permission will then be given to discharge, and the duties levied as provided for in the tariff."

When the Chinese officer at the port was satisfied with the payment of the duties he would grant the port clearance, which being shown to the consul, the captain would have his papers returned to him, and the ship would then, but not till then, be ready to sail. The consul, therefore, would incur no pecuniary responsibility, but would exercise that degree of authority which would practically give security for the duties to the Chinese government. He begged to say, with respect to the principle which had actuated Her Majesty's present Government in their negotiations with the government of China, that it had always been their desire, that the privileges acquired by this country should be extended to all nations alike. It was true, that did not appear in this treaty, but Sir H. Pottinger was aware from the first of the desire of Her Majesty's Government on the point, and a Supplementary Treaty had been signed by Sir H. Pottinger and the Chinese Commissioners, in which he had no doubt the clause had been inserted, although it had not been transmitted to this country. Sir H. Pottinger had undoubtedly done his work very well, but he was not quite a diplomatist, and had been somewhat unmethodical in his communications with the Government at home. For this reason, though Sir Henry had written to say, that the Treaty had been signed, he (the Earl of Aberdeen) could not undertake to say, that the article would be found in it, though he had reason to believe it would. They all knew, by a proclamation of the Chinese government, that the tariff had been extended to all nations, and that this had been done by an edict of the Chinese government. To show how justified was Her Majesty in declaring what had been our principle with regard to these negotiations, he had only to quote a paragraph from one of the first of his communications to Sir Henry made early on his coming into office. On the 4th of November, 1841, Sir Henry was told, that a secure and well regulated trade was all that the Government desired, and that he should constantly bear in mind, that we sought for no exclusive advantage, and demanded nothing which we were not willing to see enjoyed by the subjects of all other states. With that knowledge in his possession at so early a period, it was exceedingly probable, that there might be an article to that effect in the Supplementary Treaty. As soon as that Supplementary Treaty arrived, it would be laid before the House, and he trusted that it would be found to be as satisfactory to their Lordships and the public as the original Treaty would be.

CORN-LAWS.] The Duke of *Roxburghe* said, he was prevented from making a few observations on the first evening of the Session by his desire not to introduce any topic which might interfere with the unanimity which prevailed on that occasion. He had then intended to put a question to the Government with regard to their intentions on a subject which, although not distinctly mentioned, was yet alluded to by the noble Earl who moved the

Address — he meant the subject of the Corn-laws. As, however, on the same evening a declaration was made in the other House of Parliament to the effect that it was not the intention of the Government to make any alteration in those laws, he now merely rose for the purpose of stating the sincere gratification he felt, in common with many of their Lordships, at that announcement. He felt satisfied that it would tend to remove much of that state of doubt and uncertainty which had prevailed so long, and had weighed down an interest already sorely depressed and well nigh ruined, and that it would restore confidence to the agriculturists and enable them to resist the attacks so unscrupulously and unjustly made against them when they saw the Government stand forward so nobly as it had done in defence of their rights. He was satisfied it would gain for them the support of the agriculturists of this country; and, for his own part, he begged to express his thanks to Her Majesty's Government for the announcement they had made.

Bank of England and Bank of Ireland.] Lord *Monteagle* in rising to move for the returns of which he had given notice, relating to the liabilities and assets of the Bank of England, said he would first remind their Lordships how the matter now stood. When his noble friend Earl Spencer—then Lord Althorp—introduced the bill for the renewal of the Bank charter, he accompanied that bill with another relating to the circulation. From the state of the public business, and also from the misapprehension which prevailed at that period, the second and most important bill did not pass into a law. The Bank charter having been conclusively settled for ten years, no further measure of importance had since been introduced to Parliament. In the course of last Session he took the liberty of adverting to the subject, when the noble Duke opposite said the present Session would be the most convenient time for entering upon this discussion. In that opinion he concurred entirely, but in exact proportion as it was contrary to the public interest to have a premature discussion, it became important that all the information that could properly be given, should now be laid before Parliament, to enable them to discuss it with advantage; and as a question of this description was likely to originate in the House of Commons, it was necessary to consider in what position the two Houses would stand on the subject. In the other House, during the time of the late and present Governments, there had been a mass of most important evidence taken before a Parliamentary committee; that evidence had been partly communicated to the House of Lords, and it was, therefore, important to know whether it was the intention of the Government to institute any inquiry by means of a select committee of that House. In putting the question he was far from expressing an opinion in favour of that course, for he thought the information at present before Parliament was quite sufficient for all purposes of useful legislation; but if a committee were to be appointed, it was clear that it should be done as soon as possible. His question, therefore, was whether it was intended to institute any such supplemental enquiry, and next whether in the event of there being no inquiry of this description instituted, it was the intention of the Government to lay before Parliament any documentary evidence stating the negotiations they had had on the subject with the Bank of England. It was possible, that it might be impolitic to produce some of this correspondence, but if there were any papers in it which indicated the course intended to be taken by the Government and the reasons on which they had come to their conclusion, and were prepared hereafter to defend it, he thought the sooner they could be produced consistently with the public service the better. In the course of the last inquiry, most important and valuable information had been given by men who were qualified, not only as men of learning and science, but also from their practical experience, to form a sound opinion on the subject. Among them were Mr. Horsley Palmer, Mr. Loyd, and others, and these gentlemen advocated most strongly the principle of looking to a central issue of notes. This was, however, misunderstood, and a great outcry was raised on the part of some persons against any measure which contemplated a central issue as being the creation of a monopoly of banking. These Gentlemen, however, and those who agreed with them never dreamed of creating a monopoly of banking. Banking as such ought to be as free as any other trade; but the issue of money, the transfer to a paper cur-

rency, the exercise of what in simpler times was a prerogative of the Crown, the power of restraining and regulating by paper the circulation of money throughout the land, was no creation of a monopoly of banking, but only the exercise of that species of general regulation on the part of the supreme authority in the State without which no monetary system could be considered safe, and without which they would cast undue responsibility on the Bank of England. Nothing could be clearer than that if, in a time of exigency, they could reduce the amount of circulation, the effect would be to enhance the value of money; and if all over the land banking establishments existed with unlimited power to issue a paper circulation, the enhancement of the value of money by the Bank of England would be an additional motive for such banks to counteract the action of the central bank, and render the exchanges more unfavourable to the country than it would otherwise be. This doctrine and the prejudices of the public had hitherto stood in the way of a settlement of the question; but he thought the sooner the terms agreed to between the Government and the Bank were made known, the more likely there was to be produced in the public mind a feeling of satisfaction on the subject. He did not now wish to elicit what the proposition was, nor did he throw out these suggestions with any other view than that of assisting the measure when it should be brought forward. The third question he wished to ask was, whether the alteration in the law which was contemplated on the subject of banking, would apply to Ireland as well as to England. He did not mean as part of the same bill, but contemporaneously, and on the same principle. He was sure, that whatever the plan was, it was important, especially at the present time, to show that the system recommended for this country was of the same character and founded on the same principles as that which was about to be introduced in Ireland. The noble Lord concluded by moving for an

"Account of the average liabilities and assets of the Bank of England, during the years 1842 and 1843; balance sheet of the public income and expenditure for October, 1843, and 2nd January, 1844; and an account of the sums received from sale of stock, remittances from China, and from property tax, during the years 1841, 1842, and 1843."

The Duke of *Wellington* replied to the first question of the noble Lord, that, upon the information at present in possession of the Government, it was not intended to recommend to their Lordships the appointment of a committee of inquiry on the subject, the information already before Parliament being considered sufficient. With regard to the second question, he had to answer that he was not aware of any documents being prepared which it would be desirable to lay before the House; but the noble Lord might rely upon it, that as soon as any documents were in a state to be laid before Parliament, it should be done at once. Upon the last question, the noble Lord was perfectly aware, that the renewal of the charter of the Bank of Ireland depended on entirely different circumstances and different principles from those on which the renewal of the Charter of the Bank of England depended. But it was the intention in the present Session of Parliament to adopt measures for the renewal of the Bank of Ireland charter on the same principles as the Bank of England. He must say, that the noble Lord had clearly shown that he perfectly understood the principles upon which the renewal ought to be carried into execution; but he (the Duke of Wellington) hoped to be excused if he did not then enter into the discussion of a measure the principles of which must be first stated in the other House.

Motion agreed to.

The Irish Poor-law.] Lord *Monteagle* asked if it was intended by the Government to propose any committee of inquiry into the Irish Poor-law during the current Session of Parliament.

The Duke of *Wellington* had stated in the last Session that there would be no objection to such an inquiry. Since that the Government had obtained important information with regard to new buildings in Ireland, and he himself hereafter should have no hesitation in moving the appointment of a committee: but he desired to postpone it until the return of those noble Peers who were connected with Ireland, and who, in consequence of their anxiety to be in Ireland under existing circumstances, were now absent.

Adjourned.

HOUSE OF COMMONS,

Tuesday, February 6, 1844.

Minutes.] Bills. *Public.* — 1°. Factories; Superior Courts (Common Law); Small Debts.

Petitions Presented. From Morpeth Union, for Amendment of Poor-law.—By Lord Clive, from Bath Church Lay Association, against Union of St. Asaph and Bangor.—By Mr. S. Crawford, and Mr. Hume, from Crimbridge, and other places, for withholding the Supplies.—By Mr. Ross, from Belfast, respecting the State Trial.—By Mr. Walker, from Bury, for Relief from Window Tax.

Isle of Man.] Dr. *Bowring* wished to put a question to the right hon. the President of the Board of Trade, respecting the import duties into the Isle of Man. He wished to know whether it was the intention of the Government during the present session to bring forward any measure to abolish the import duty of two-and-a-half per cent. which was now so injuriously levied on the import of English manufactures into the Isle of Man, and also whether there was any intention on the part of the Government to remove or modify the present licensing system respecting imports into that place, which was attended with so much injustice.

Mr. *Gladstone* said, that at present he could only go so far as to say, that he hoped that he should be able during the present session, to introduce a Bill to abolish the import duty of two-and-a-half per cent. now levied on goods introduced into the Isle of Man; he also hoped that he should be able to adopt some plan for the modification to a limited extent of the licensing system, so as to exempt many articles from its operation.

The Light Gold Coinage.] Mr. *Gisborne* said, perhaps the right hon. Gentleman could inform him whether any return could be obtained from the Mint as to the number of light sovereigns of each date of coinage which had been returned to that establishment for re-coinage. He also wished to ask the right hon. Gentleman whether Government could lay any information before the House as to whether the lightness of the gold coinage was occasioned by wear, or by what was termed "sweating;" or some such process, and if so, as to what proportion this had been done?

Mr. *W. Gladstone* replied, that he had made the fullest inquiries in the department with which he was connected, and the result was, that it appeared that there were no means of ascertaining the number of the various dates of the light sovereigns sent in for re-coinage. He understood that sovereigns of almost all the dates of the various coinages had been sent in for that purpose, but the mass was composed of the sovereigns of George III., and the early coinage of George IV. With respect to the question as to how far the lightness of the sovereigns was to be attributed to sweating, and as to how far to wear, the Government had no means of making a definite statement, but as far as the experience and observation of the officers of the Mint went, he was enabled to state, that it was believed that the practice of sweating had not been applied to any serious extent so as to occasion the lightness of the gold coinage, but that it had arisen from gradual wear, although at the same time sweating might have been practised.

Committee on Railways.] Mr. *Wallace*, seeing the President of the Board of Trade in his place, wished to put a question to him respecting a notice which he had just given. It was his intention, on the right hon. Gentleman moving for the appointment of the railway committee, to object to any hon. Member being placed on it who was either a director or holder of shares in any railway. He wished to know whether the right hon. Gentleman could inform him how many, and which of the proposed Members of the committee, were directors or shareholders of railways?

Mr. *W. Gladstone* was afraid that he could not, in answer to the question of the right hon. Gentleman, give a very satisfactory reply as far as regarded the composition of the committee. In making out the list of the proposed committee, he was governed, in a great measure, by the circumstance that he selected the names of as many gentlemen as possible who had served on former committees on the subject of railways. As to the directors of railways in the proposed committee, he could give the hon. Gentleman some information, and also as to one shareholder. He knew that four hon. Members whom he proposed to place on this committee were directors of railways. The hon. Member for Reading was chairman of the Great Western Railroad Company; the hon. Member for Southampton was a director of the Southampton; the hon. Member for Clitheroe was a director of the South Eastern; and the hon. Member for Ren-

frewshire was a director of the Glasgow and Greenock. The two first named Gentlemen were directors of what were called high-fare railways, and the two last of low-fare lines. There was, also, the noble Lord, the Member for Totness, with whom he had not yet been able to communicate as to whether he would consent to serve on the committee, but he had placed his name on the list because the noble Lord presided over the former committee on the subject as the representative of the late Government. He rather believed that the noble Lord was a director of a railway which was now in contemplation. With respect to shareholders, the information he possessed was very limited. He himself was the holder of shares in a railway company, but he was not able to give the hon. Member any further information as to the constitution of the committee.

CRUIZERS ON THE AFRICAN COAST.] Sir *C. Napier* wished to know whether the right hon. Baronet were prepared to lay upon the table the instructions which the Government had given to the commanders of cruisers on the coast of Africa?

Sir *Robert Peel* said, that the whole question of the instructions to be given to the commanders of cruisers respecting vessels under the French flag, in the performance of their duty in the detection of slave ships, had been referred to a commission composed of Dr. Lushington and a distinguished officer, who had seen a good deal of service on the coast of Africa, he meant Captain Bayne. He hoped that in the course of a few days he should have an opportunity of laying them on the table. With regard to instructions occasioned by negotiations with the United States, he could not say that they were consistent with the instructions formerly given, but he did not think a due regard to the public service would allow him to give a more explicit answer.

Viscount *Palmerston* wished to ask whether the Government had come to any understanding, or made any arrangements as to the power which the commanders of our vessels should have of visiting ships for the purpose of ascertaining their nationality? Although it might be unwise to lay on the Table such information as would afford information to slavers, still he thought that it was essential that Parliament should know so much of the nature of the instructions as to be enabled to form an opinion as to their being in conformity with the expressed intentions of Parliament. Although the Government might be satisfied with this, he also thought that the House should be satisfied.

Sir *R. Peel* trusted that the noble Lord would not press him too much on the subject at present. The United States had not published the instructions it had issued to the commanders of its cruisers on the coast of Africa. He, however, could say generally, that, in the instructions that had been issued during the present year, they had maintained the principles for which this country had always contended, and that they were in substance the same as those which had been issued to the officers of Her Majesty's navy in former years.

COMMERCIAL TREATIES WITH FRANCE AND PORTUGAL.] Mr. *Labouchere* wished to ask the right hon. Baronet whether the negotiations for forming commercial treaties between this country and France and Portugal had entirely ceased? It would be in the recollection of the House, that when the revised tariff was under consideration, the right hon. Baronet postponed dealing with certain important articles, in consequence of these negotiations, for instance, silk, brandy, and wine. He presumed that he ought not now to ask the right hon. Baronet whether he intended to do anything respecting the duties on those articles during the present session, but he thought that he might ask whether it were the intention of the Government to bring forward a Customs Bill at an earlier period than the usual Customs Bill was generally introduced.

Sir *R. Peel* said, that with respect to the negotiations for commercial treaties, which had been for some time carried on between this country and France and Portugal, he could state, in answer to the right hon. Gentleman, that he considered as the Government of Portugal had refused to acquiesce in the final proposition of the Government of this country, that the negotiation for a commercial treaty with that country had ceased. As to the negotiations with France, no advance had been made since the last Session of Parliament, but matters remained as they were, and he could not say when they would be brought

to a close. With respect to the intention of the Government as to the Customs duty, he must beg to postpone any declaration until the opportunity should arrive of making the usual financial statement.

Public Cemeteries.] In reply to a question from Mr. Maclean, as to whether it was the intention of the Government to bring forward any measure with a view to obtaining public cemeteries.

Sir *J. Graham* said, that since the close of last Session a very interesting report on the general question had been presented, and was now generally circulated throughout the country. He need not remind the House that Legislation on this subject was a matter of the utmost delicacy; and he was not, therefore, prepared to say that he should introduce any measure in the course of this Session. He was the more willing to delay the introduction of any measure on the subject, inasmuch as, generally speaking, the question of the health of large cities was now under the consideration of a commission, consisting of most eminent persons in science and knowledge of that subject; and until their report was given, he should not like to come to a final decision on the matter.

Employment of Children in Factories.] Sir *James Graham*: It is now my duty, in pursuance of the notice which I have given, to ask leave of the House to introduce a bill for regulating the Employment of Children in Factories. It will not be necessary for me on this occasion to trouble the House at any considerable length, inasmuch as the principal provisions of the bill which I propose to introduce are nearly identical with those which were contained in the bill which I presented to the House last Session, and which were founded on the report which has been laid before the House. I will briefly state to the House what are the principal enactments I propose so far as they alter the law as it now exists. And first, with respect to the age of children now employed in factories, as to whose labour there is a limitation in point of time. As the law now stands, the word "child" applies to children who are admitted between the ages of eight and thirteen. I propose in the present bill that the age shall be altered, and the term "child" be applied to persons between the ages of nine and thirteen, instead of eight and thirteen, and that such children shall not be employed for a longer time than six hours and a half in each day; and also shall not be employed in the forenoon and the afternoon of the same day. By the existing law "young persons" are defined to be those who are between the ages of thirteen and eighteen. I do not propose to make any alteration in that part of the act, but I propose that such "young persons" shall not be employed in any silk, cotton, wool, or flax manufactory, for any portion of the twenty-four hours longer than from half-past 5 o'clock in the morning till 7 o'clock in the evening in summer, and from half-past 6 o'clock in the morning till 8 o'clock in the evening in winter; thus making $13\frac{1}{2}$ hours each day, of which one hour and a half is to be set apart for meals and rest, so that their actual labour will be limited to twelve hours. By the law as it now stands all persons above the age of eighteen, without distinction of sex, are considered to be adults, and to their hours of labour there is no limitation whatever. Under this state of the law, many persons are employed as adults who are wholly unfit for the tasks to which they are subjected. It appears to me that females should not, under any circumstances, be required to work for more than twelve hours out of the twenty-four, and I propose a limitation of their labour, in the four great branches of manufacture to which the act refers, to that extent. On this subject I will read to the House a short extract from the report of Mr. Horner, one of the Factory Inspectors, dated October 11th 1843. In that Report Mr. Horner says,

"I am convinced that many females are employed as adults who do not fairly come under that class, but who are nevertheless obliged to work for hours beyond what ought to be required of them. Many of them work for thirteen, some for fourteen, and some for seventeen hours a day. Some are at constant work from six in the morning till twelve at night, less only by two hours for meals and rest. There are others who, after a day of hard toil, have only six hours in which to go home, take what rest they can get in the interval, and be back again at the factory; and let it be considered that on their return from their walks in inclement weather, they have to remain for many hours in a close room, in which the atmosphere is raised to a very high temperature. What constitution can hold out long against incessant toil of this description? Its fatal tendency is daily shown in the manufacturing districts by the ravages it makes on human life."

Another Inspector stated his entire concurrence in this statement, and in the de-

structive effects which were visible in the factories from an excess of labour; and he also deemed it necessary to limit the hours of labour for female adults. Such a limitation I consider to be both reasonable and necessary; and after the best consideration that I can give to the reports and to the evidence which it has been my duty carefully to consult, I have determined to propose a limitation to the continuous labour of females, satisfied that this incessant call on their exertions is alike injurious to their health and morals. The House I believe will regard with me that the limitation I propose is both reasonable and just. Another point on which I shall propose an alteration is that part of the law by which back or lost time is brought up and which has been made a frequent excuse for exceeding the law, in factories, where the double powers of water and steam are employed. I propose that no facility shall be given for making up lost time excepting where the power is water exclusively, and that lost time shall be made up within three months; that young persons shall not labour more than thirteen hours on any one day, and that there shall be a cessation of all labour between the hours of twelve at night and half-past five in the morning, There are several other provisions in the bill to which I do not feel it necessary to call the attention of the House, as they are nearly identical with those in the bill of last year. By one clause which I shall propose, power will be given to inspectors to notify to millowners whenever they observe that any portion of the machinery is dangerous, that in their opinion it requires to be cased or covered up, and if after such notification any accident shall occur injurious to any of the workmen employed, then the inspector shall be empowered to institute a suit for recovering compensation for such injury, and the damages awarded shall be given to the party injured. Another change I propose to make, relates to silk mills. It is well known to the House that those mills are not placed under the same regulations as to the employment of children as other mills. I propose to bring silk-mills under the same regulations in that respect as woollen, cotton, and flax mills, and that the same hours of labour, according to age, which apply to one, shall be made equally applicable to all those branches of our manufactures. I have now gone through the leading provisions of the bill which I propose to bring in, with the exception only of those portions of it which correspond to the bill of last Session in relation to Education, and to which the attention of the House was then more particularly directed. With those parts of the Factory Act which prescribe rules for the education of children, I do not intend to interfere. I am satisfied with providing that children between the ages of eight and thirteen shall not be employed continuously for more than six hours and a half; and that one-half of each day shall be left unoccupied by labour, so that these children may be educated and instructed. The Government last year proposed some clauses with respect to the quality of the education, but the feeling in and out of that House with respect to them was such as to leave no hope that they could be proposed now with any better result. In allowing full time for education, and in not permitting any child to be employed who does not produce a certificate of attendance at some school, Government does all that it can under the present circumstances. I much fear that the enactments already existing as to factory education are almost illusory. The persons usually employed as teachers are but badly qualified to discharge the very limited duties they have undertaken. Even the stoker of the furnace is occasionally to be found acting the part of a factory schoolmaster. Besides this, there is, unquestionably a want of every proper facility and apparatus, such as books, paper, and other requisites for infant tuition. In fact, the system, as far as it has yet gone, has been one not of education, but of confinement in a school-room, without imparting to the children any knowledge or instruction whatever. I am, however, bound to say, from what has come within my own knowledge, that some of the most flagrant abuses are fast giving way under the force of public opinion, and that we may hope to see considerable improvements. I hope, and believe, that, generally speaking, the millowners themselves are desirous of bettering the condition of their youthful labourers by giving them the means of instruction. The experience of last Session, I repeat, has taught the Government not again to interfere with the quality of the instruction to be given to the factory children. It was the anxious desire of the Government to endeavour to frame a scheme of instruction founded on scriptural teaching, apart from doctrinal controversy, subject to the inspection of an officer appointed by the educational committee of the Privy Council; but the

hope of effecting that, I confess, has vanished from my mind. Reliance must now be placed—and, happily, it is not altogether a vague reliance, for after what we have seen, we may look with confident hope upon the honest rivalry which has arisen between the members of the Church and Dissenters. I trust, from what has occurred, that a great effort will be made to diffuse amongst the dense masses of the population of this country useful instruction and sound knowledge in connection with scriptural truths. I am quite satisfied that if good schools were founded in the manufacturing districts, the parents of the children would have discrimination enough to prefer the good to the bad schools. If the Legislature provide for education in those districts, I am confident that the children will be instructed in a superior manner. At all events, I am not prepared on the present occasion, directly or indirectly, to interfere with the quality of the instruction to be afforded; all that I ask of the House is, to allow leisure to the children on each day—to prevent them being overstrained with toil, and to give them an opportunity of attending school for at least three hours every day, with the exception of Saturday, which is to be considered a half holiday. In conclusion, I must express my earnest hope that the diffusion of knowledge based on sound principles of religion, may tend to remove that which I consider, one of the greatest national evils—a dense population greatly deficient in knowledge, left without instruction, and destitute of religion.

Mr. *Hume* could not understand why the same regulations should not apply to other labourers as well as to those which the bill of the right hon. Baronet sought to benefit. Why not include every class of manufacturers in the country where children were employed? How much better would it be if the Government would take into consideration the causes of the present state of society, viz., the want of employment. The reports of the Factory commissioners proved that the Government could not legislate successfully on this subject, and he was anxious that they should look at the causes, and not attempt thus to plaster up the effects of bad legislation. He thought, moreover, that it was most unjust, that there should be a law to prevent the employment of children in one manufactory and allow it in another. As to the production of certificates of the education of the children to be provided for by this bill, the law ought to require that every child in the country should be educated, and then the production of a certificate would be a very easy matter; but now to say that no child should be employed unless he produced a certificate of his having been instructed at school, and they did not provide the means of educating them, was complicating and adding to the mischief that existed. First let them remove the primary evils, and they would have no necessity for these supplementary measures—this patch-work legislation. The bill provided, that where by negligence of the proprietor an individual was injured, an action might be brought at the public expense, in order that he might obtain compensation. If that were to pass, why should it not be extended to all other manufactories? They heard of twenty men lost in a coal-pit, one day, and thirty or forty the next, leaving their families in a state of destitution; and why not let the provision apply equally to them, if there had been negligence and want of proper caution, and let there be one law throughout the whole country. This bill he considered unjust legislation, because it was partial. He did not object to the measure, but he should rather say that it ought to be well considered. He was sorry to hear the right hon. Baronet state, that it was not the intention of the Government to interfere in any way in the education of the people. If one measure more than another were demanded, it was a general, universal measure of education, which would apply to all classes of the community. Every being who was to become a good citizen, ought to have a chance of being instructed in the elements of education; and he was sorry to find that religion was to be the sole prop on which the Government intended to rest. The Government ought, apart from such considerations, to give the people the education they required, and leave the clergy of all denominations to instil the religious opinions peculiar to their various sects into the minds of those who wished to receive them. A great responsibility rested upon the Government with reference to this matter for the evils which would arise from the continued ignorance of the people. He really had hoped that they would have adopted a system this year directly opposite to that of last year on this important subject.

Mr. *Stuart Wortley* thanked the right hon. Baronet for the great measure which he had proposed, one of the most important provisions of which was the limitation of the laws of labour for females. He hoped, however, that his right hon. Friend would take a further step in the right direction, by applying a similar rule to young men, which had also been recommended by the inspector of factories, in his report dated the 15th of January in the present year. Although he gave the measure his hearty approval, he hoped it would yet be materially improved.

Mr. *Hindley* was desirous of expressing his thanks to the right hon. Baronet for having brought in this bill at an early period of the Session. He, like the hon. Gentleman who spoke last, would have been extremely delighted if the right hon. Baronet had made some further alterations in the hours of labour, and he did hope that in a future stage of the measure that part of the subject would meet with the serious consideration of the Government. It was not without some regret, that he heard the Member for Montrose express his disapprobation of this bill; that regret was increased, when he remembered how often he had voted with that hon. Gentleman in favour of free-trade, and he could not refrain from earnestly impressing upon him, and upon those who agreed with him in politico-economical doctrines, the expediency of reconsidering the vote which they were about to give on this bill. As to the right of the Government to interfere in such a matter, he must be allowed to say, that it was a right which no one could think of questioning. In the practical operation of the manufacturing system there were great moral and physical evils, and if the Legislature gave its aid to the establishment of manufactures, it was entitled to take care that the evils which they produced should not be allowed to exist at the expense of the great body of the people. Manufactures were a great good, but we should not purchase them at too high a price. He had not forgotten how frequently the friends of the working classes had been told, that to protect the labourer would be to foster foreign competition. This he believed to be a fallacy; for as every one must remember, a bill was introduced by Lord Althorp in the year 1833, to diminish, in some degree, the evils to which the working classes were exposed; and at that time it was predicted, that we should be ruined by foreign competition. What had ensued? The annual exportation of cotton from Great Britain at that time, was 66,000,000lbs. The annual exportation at present was 158,000,000lbs., being a difference of 130 per cent. in favour of the mild and lenient system. In the year 1833, the annual consumption of cotton in this country, was 169,000,000lbs; at present it was 270,000,000lbs.; being a difference of 66 per cent. On these grounds, he ventured to say, that we had nothing to fear from foreign competition. All that we had to do was to move forward step by step—the last step taken was the best, and gave the best encouragement to future progress. He could, for one, bear testimony to the good effects of the means introduced within the last ten years for the benefit of the working classes; they had worked well both for master and man—for parent and child. It was said, that bills on this subject had been evaded; in reply to that, he should say, that acts of Parliament on many subjects had been evaded. A bill against murder would be evaded, for one criminal who was punished, three might escape; but that formed no reason why there should not be a law against homicide. During the last autumn he travelled in France, and had some opportunity of making himself acquainted with the state of manufactures there, and he rejoiced not a little to be able to say, that this country presented a most favourable picture in this respect, as compared to France. Here, happily, there was nothing like the white slavery of the Continent. In France, the working people went on at the rate of fifteen hours a day, with only half an hour interval. Not only were matters in this respect on a better footing in England than in France, but from the general tendency of public opinion he should say, that the feeling of the country was in favour of shortening the hours of labour, and he called upon the hon. Gentleman the Secretary of the Board of Control, who lately presided at a public meeting of the drapers' assistants, which had that object in view, to bear him out in the assertion which he had just made. It was universally felt, that human labour was quite overdone, and that the state of the law affecting it required immediate and material revision. It was said most truly, that the drapers' assistants required to be relieved from late attendances; but how could they be relieved if the working classes were not allowed to make their purchases at a reasonable hour? New mills were on the

point of being built in Lancashire. It was right to tell the parties engaged in these speculations, what they had to expect, just as the President of the Board of Trade was about to tell the railway proprietors what they had to expect. It was only right to let the manufacturers know, that though we required an extensive trade, yet that we would not take it at such an expenditure of human labour. It had been said, that the right hon. Baronet might as well think of restraining the steam-engine, as of limiting the hours of adult labourers; but he would remind the House, that in navigation the working of the steam-engine had been restrained. Even though the Government only went the length of relieving from the pressure of excessive labour the female portion of the population, a great object would be attained. The inspector told them, that women ought not to work for more than ten hours. The surgeons told them, that to work for twelve hours was highly injurious; he hoped then, that this and all other measures of relief would be carried forward in a right, strong, and bold spirit. He was in most cases the political opponent of the Queen's Government; it was, therefore, not for him to tell them, how they should carry the people of England along with them; but he could assure Ministers, that by measures such as these, they could show to the people of the north of England that the executive Government felt for, and were disposed to redress their wrongs. In doing this, they would do themselves immortal honour, and open up a long train of prosperity. Let them look to what *The Times* newspaper had done to support the interests of the labouring classes. What was the great secret of the success of that journal? its advocacy of popular rights. It had done itself immortal honour by its advocacy of the general interests of the great body of the people, and if the Government would only show a determination to do the same, they might rely with confidence upon the gratitude and support of the people.

Lord *Ashley* would not on this occasion do more than express the warm thanks which he felt were due to Government for the advance they had now made towards a right settlement of this most important question, and he was sure that the whole country would share in that feeling of gratitude.

Mr. *Blewitt* wished to know from the right hon. Gentleman in the Chair whether this was not one of those bills which came within the Standing Order of the House which prohibited the entertaining any bill relating to trade, religion, &c., until such bill had been considered in a committee of the whole House?

The *Speaker* replied that this bill did not come within the Standing Order referred to.

Leave given to bring in the bill.

Railways—Committee.] Mr. *Gladstone* proposed the following Gentlemen as a select committee on Railways:—Mr. W. Gladstone, Mr. Labouchere, Lord Seymour, Mr. Wilson Patten, Viscount Sandon, Mr. Gisborne, Lord Granville Somerset, Sir John Easthope, Mr. Hamilton, Mr. Russell, Mr. Patrick Maxwell Stewart, Mr. Greene, Mr. Maclean, Mr. Thornley, and Mr. Cardwell.

Mr. *Wallace* had a strong objection to any person being appointed on this committee who had a direct pecuniary interest in railways. There were no fewer than five directors of railways on the list now proposed, besides the right hon. Gentleman whose name was first on the list, and who, though not a railway director, was, as he himself had stated, a considerable proprietor of railway shares. In order to come to a vote on this question, he would content himself with proposing that the name of the right hon. Gentleman should be struck out of the list, and he felt convinced that a large portion of the House would support him, and notwithstanding the right hon. Gentleman's official position, merely in consequence of the suspicious circumstance of his being personally interested in the subject. The House had on former occasions decided that such a circumstance constituted a strong objection to the appointment of a Member on a particular committee. He would merely take this, the first name on the list liable to the objection; it would be unnecessary and invidious, at all events at present, to name the other persons on the list similarly situated.

Mr. *Gladstone* thought this a fair subject for the consideration of the House. For himself, he had thought it his duty to look in some degree to what had been done on former occasions; and had he found any rule laid down by which persons connected with railways were excluded from a participation in the conduct of inquiries as to railways, he should very gladly have accepted the exemption,

deeply occupied as his time and attention were by other important subjects; but he found, on the contrary, that on the former committee of railway inquiry, parties directly interested in railways were charged with the conduct of these inquiries and therefore he had not felt himself justified on this occasion in shrinking from the responsibility himself, or in excluding Gentlemen who were concerned in the direction of railways. It was a great mistake to suppose that a uniformity of feeling pervaded the bodies who conducted the various railways. In point of fact, the interests of those who were connected with the existing railways were exceedingly different from the interests of those who were connected with the new undertakings; and the interests of the high-fare railways, as they were called, were quite different from the tendencies which must be supposed to pervade the low-fare railways.

Mr. *Labouchere* considered that if the House agreed to the motion of the hon. Member for Greenock it would be acting on quite a different principle from that which it had hitherto pursued. On all former committees to inquire into particular interests, whether mercantile or agricultural, the practice had always been, not merely to allow, but to make it a point, that there should be appointed, as members of such committee, a certain number of gentlemen specially and directly interested in the particular subject inquired into; and there was no reason why a railway inquiry committee should not follow the rule which had been uniformly carried out in all similar committees. With this view of the point, if the hon. Member pressed his motion to a division, he should vote for a retention of the name of the right hon. Gentleman, who, from his official situation, was a very proper person to form part of this committee, notwithstanding the admitted fact of his holding railway shares. It was another question whether the railway interest did not preponderate in the composition of this committee. He must confess, for himself, that on looking over the list of names, his impression was, that the railway interest was represented in that committee to a degree which might deprive the committee, in some measure, of that weight with the public which, for any useful purpose, it ought to possess. But this was quite a different question from the unjust, inconvenient, and unprecedented proposition of the hon. Member.

Mr. *Hume* said, that the right hon. Gentleman represented this as a novel proceeding. Now, he believed that the principle of conduct adopted in committees was much the same as that which prevailed in the House, and he would state that in the House he had himself, on more than one occasion, challenged the votes of Gentlemen upon questions in which they were personally interested. He had, for instance, challenged the votes of Mr. Pascoe Grenfell and other Members upon a question affecting the St. Katherine's Docks, on the ground that those Gentlemen were pecuniarily interested in that undertaking; the challenge was taken into consideration, the reason assigned admitted to be a valid one, and the votes were struck out. On previous occasions a similar principle had been acted upon by the House, and the same principle of securing a thoroughly impartial tribunal ought always to be carried into committees. He recollected having made, on a former occasion, a similar objection to that now advanced, and the answer he then received was, the committee has to ascertain facts; it is, therefore, desirable to have on the committee parties for and against the question. By this means the truth on both sides will be best elicited and the completest report be drawn up, because each party will take care to have the information supplied which best meets its views; and the House having thus full information on both sides will be the better able to come to a proper decision. But, despite this argument, he was of opinion that persons connected with the particular question should not sit on the committee.

Viscount *Howick* would point out that the question as to the St. Katherine's Docks, was quite different from the present question. That was the case of Gentlemen voting on a particular measure, in which they were directly interested. This was a question whether persons interested in various railways were competent judges as to the rules to be enacted for the regulation of certain new railways about to be applied for. Obviously, this was quite a different thing from the case put by the hon. Member for Montrose. It would be a very inconvenient rule to lay down that persons connected with railways as shareholders should be excluded from railway

committees. He regarded the presence, for instance, of the right hon. President of the Board of Trade in this committee as desirable, not to say necessary. But, he was also of opinion, that the railway interest on the proposed committee was much too strong. It appeared to him that persons holding high situations in the management of railways, such as directors, and above all, chairmen, were not the proper persons to be nominated on this committee. Such were probably the first, and among the most important witnesses who would be examined, and it would be greatly inconvenient to have the same persons appear in two characters, first as witnesses, and then as judges to decide upon their own evidence. If the motion was put to a division, he should vote for the retention of the names, but he hoped those who took a part in the management of railways would not be included in the committee.

Mr. *Roebuck* would vote for the retention of the name of the right hon. the President of the Board of Trade; but he quite agreed with what appeared to be a general feeling in the House against the admission into the committee of certain gentlemen, on account of their being deeply interested in the particular subject of inquiry. As the list at present stood, the railway interest was most unduly represented. Take one case among many others. There was Mr. Russell, the chairman of the Great Western Railway, nominated as one member, a man deeply interested in the subject of the inquiry, and in its results. There would be Mr. Russell acting on one and the same committee as a member putting questions, as a witness answering questions, as a party negotiating, and as a judge deciding; and the same would be the case with several other gentlemen. Persons connected with railways, and persons connected with the Government, would have the whole thing entirely to themselves, and the interests of the travelling public would find no representative in the enquiry.

Lord *John Russell* would have been glad to have had the opinion of the right hon. President of the Board of Trade more fully stated on the subject of those persons nominated who were connected with railways. The general sense of the House was, that persons holding important offices in the management of railways ought not to be included in such a committee as this. The right hon. Gentleman stated, that he was acting in conformity with precedent in putting down the names of such persons; but he ought to have gone further, and told the House what was his opinion and judgment on the matter. He must confess, that were the right hon. Gentleman to state it to be his judgment that some of the directors of railways—that chairmen of railways—ought to be on the committee, he should pay great deference to the right hon. Gentleman's opinion; because, while on the one hand, there was doubtless an objection to interested persons forming any considerable proportion of such a committee, on the other hand, it was highly important to obtain, with reference to the eliciting of evidence, the co-operation of men practically acquainted with the subject. As to the number of such Members on a committee there was also some difficulty. How was the selection to be made among hon. Gentlemen who were connected with railways? If any one or two Members so situated were admitted, these one or two Members might be connected with a particular railway, whose principles of management were quite different from those of other railways, and the regulations adopted, perhaps on their suggestions, might be altogether dissatisfactory to the hon. Members connected with those other railways, who might then complain loudly that they had not been admitted. He should request the right hon. Gentleman opposite to state his opinion on the subject, as his own vote would be guided in a great measure by the right hon. Gentleman's judgment.

Mr. *Gladstone* thus appealed to, was quite willing to state his opinion. He must confess, then, that it appeared to him to be extremely desirable, if the House was prepared to admit that parties interested were in any form or degree to be allowed to act on the committee, that the directors of railways should be upon it. There was an abstract objection he would grant, to every person who had a personal interest; but this objection alike applied to shareholders in railways and directors; indeed there were many shareholders who had a far larger share in their respective companies than some of the directors. Mr. Glyn, he had understood, whose name was so intimately connected with the subject, had no more

shares for instance, in his particular company, than were necessary to qualify him as a director; but then the far greater information, experience, and practical knowledge of the directors gave them a title to take part in such a committee, much superior to that possessed by the great bulk of shareholders. It was therefore desirable in his opinion, whatever the abstract objection, to have a reasonable number of directors on a railway committee, for the sake of their valuable practical knowledge of the subject. On the former committee there were several gentlemen connected with railways, and those gentlemen connected with that interest who had now been nominated, had been selected solely for their acknowledged practical acquaintance with the subject. He frankly admitted, that this, which appeared a trifling matter, was in reality a very difficult subject. The House was tied down to some important rules which it was desirable to observe. He had been, he might say, assaulted by demands made upon him with reference to new schemes, or existing schemes, for railroads in different parts of the country; the parties complaining that there was no adequate representation of the districts with which they were connected, or the interests they represented. If it were the pleasure of the House to depart, in this instance, from the rule which had been laid down as to the number of Members constituting a committee, although it would be necessary to guard against such a precedent being turned to exceptionable uses hereafter, it would enable the House in the present instance to get rid of the principal difficulty; but if the House deemed it important to adhere to the rule of fifteen members, he was not sure that any materially improvement could be made in the committee as it stood. He did not think it very important whether there were three or four directors on the committee, for it was not by the votes of the majority that any steps would be really taken. The committee would have no decisive power, its operations being confined to a preliminary inquiry. Undoubtedly if he saw that any measure was likely to be carried in the committee by the votes of a majority, composed in part of directors of railroads, he should feel that the proceedings would lose a considerable portion of their weight. There were other Gentlemen in the House whom he should have been most anxious to see on the committee if possible. Several of them had been on committees before, and one of them the hon. Member for Kendal, had taken a very active part in the composition of the Standing Orders relating to railway bills. The hon. Member for Inverness, also, had taken a very active part, not in committee, but in the House, with respect to railways, and had made some very important propositions; but in answer to an inquiry addressed to that Gentleman, he had stated that his attendance upon the committee could not be relied upon, in consequence of his not residing continually in the metropolis. There were details connected with this subject which it was very hard to adjust, and he should be very glad to hear suggestions from hon. Gentlemen as to the best mode of proceeding; but as to the specific proposition to postpone altogether the nomination of the committee, he thought the difficulties as to the composition of that body would be as great on a future day as at present; and as the present step must immediately bear on the bills which were coming before Parliament, and upon the rights of individuals, he thought it material that the inquiry should be instituted at as early a period as possible.

Mr. *Hawes* said, it was of the utmost importance that this committee should be a committee carrying with it considerable weight, and worked with the utmost impartiality. He was sure that the right hon. Gentleman was anxious to place upon it those who were most competent and most impartial; but at the same time he must say he thought the right hon. Gentleman had not answered the objection of the noble Lord—that the railway interest was too strongly represented, and on that ground a sufficient objection to its composition was, that the committee would have to consider not only those bills which had been already, or might be hereafter, brought before the House, but also by instructions hereafter to be issued, to consider whether any and what alterations should be made in the regulations of railways already established. The right hon. Gentleman had stated that this was a most important era in railway history—that there were sixty-six bills of which notice had been given, and that it would be the duty of the committee to consider, not only the Standing Orders with respect to new bills, but also to deliberate whether

any alterations should be made for the protection of the public against the concentration or amalgamation of interests of different companies. Now, was the proposed committee the best adapted for this purpose? He thought not. The right hon. Gentleman had no objection to increase the number of the committee. He thought that would be a most objectionable departure from the rule which had been laid down, and which was invaluable in its operation. He trusted the House would not alter the existing rule on this point. He understood the House, then, to be adverse to increasing the number of the committee, and the hon. Gentleman was opposed to any alteration of the names. If he might venture a suggestion, it would be, that the right hon. Gentleman should suspend the appointment for the present, and if, upon inquiry, it should appear that there was a large preponderance of gentlemen connected with railways, that some alteration should be made to meet that objection. There were two Gentlemen not on it, the hon. Members for Kendal and for Inverness, than whom there were no two Gentlemen within the walls of that House more competent to assist in such an inquiry. The hon. Member for Bath also had given notice of a motion which he intended to bring forward on the subject; and having paid considerable attention to it he had some claims upon the consideration of the House. All he asked was, that in appointing a committee, which would have to deal with the interests of large masses of capital, care should be taken that it should possess sufficient moral weight; and he thought that object was hardly attainable from the present constitution of the body, after the objection which had been made. He hoped, therefore, that the right hon. Gentleman would not persist in appointing the committee, because it was unpleasant to be called upon to divide upon particular names. If he were called upon to vote upon the right hon. Gentleman's name, he should certainly vote in favour of it, because it would be wrong to exclude him from any such committee; but there might be some names against which Gentlemen might find themselves in the painful position of being obliged to divide. He hoped that the number of the committee would not be increased, but that by the substitution of two or three gentlemen who were not connected with railways, for those who were known to have such relations, the object in view might be satisfactorily attained.

Mr. *P. M. Stewart* said, that as one of those whose names were introduced on the committee, there need be no difficulty or delicacy in disposing of his humble name as the House should think fit. His name had been placed on the list without consultation by his right hon. Friend the President of the Board of Trade. He certainly felt grateful for the selection, although not in the least ambitious of the distinction which it conferred. After the manner in which the compliment had been paid him, it would have been uncourteous in him to decline, but the House would judge of his fitness or unfitness for an office of so much importance to the country when he stated that he was an honorary director of the Greenock railway, but not in any way connected with details, nor was he, as had been said by an hon. Member, a large holder of railway stock. It was of importance, that the right hon. Gentleman should consider what weight belonged to the objection raised against the fitness of some members of the committee, and if he was convinced, from the arguments which had been used, that their names were liable to the objections urged against them, he recommended his right hon. Friend to postpone the measure until he should have reconstituted the committee; but he was the best judge in the case, and as his name had been put on the committee without his consent, he should not take the least offence if it were taken off without his consent.

Mr. *Warburton* would state some conclusive reasons why he should not be placed upon the committee. In the first place, with regard to the details of the necessary regulations, he had no experience or knowledge whatever. In the next place, he held an office which took up his whole time, and would prevent his attendance at the committee; and, in the next place, although he was no subscriber to a railway, yet notice had been given of a bill in which he should be expected by his constituents to take more interest than otherwise by becoming a subscriber. These were reasons why he should not be placed on the committee. He considered the objections to the constitution of the committee to be very forcible; but he thought the objection urged by the hon. Member for Bath the most cogent of all. He did

not see on the committee one name which could be considered as representing the interests of the travelling public. He did not know whether his hon. Friend, the Member for Wolverhampton, was either a director or a shareholder. Of his opinions he had no doubt. He was sure that he would attend to the interests of the travelling public; but he agreed in the opinion, that there ought to be on the committee neither directors nor shareholders. He concurred with the hon. Member for Lambeth, that the House should adhere to the number of Members already established, and thought the best way certainly would be, for the President of the Board of Trade not to name the committee on the present occasion, but to reconsider it. He did not object to the appointment of some who should represent the railway companies, but he thought there should be a proper mixture of interests, and that there should be some on the committee who went there to attend to the interests of the travelling public.

Mr. *Hamilton* expressed a hope that there would be some Gentlemen placed upon the committee who were connected with Ireland.

Sir *John Easthope* said, that if the right hon. Gentleman could be relieved from any difficulty by withdrawing his name, he should be most happy to accede to such an arrangement. It was quite true that he was a nominal director of a railroad. He had been chairman of a board of directors, but he now stood in the situation of being a director, and holding an interest in a railway. He was sure it was quite unnecessary to disavow the operation of any personal interest, but he would leave it to the right hon. Gentleman to select some other name to which no objection could be made, and in that proposition he repeated he should be most happy to concur.

Mr. *Gladstone* said since he had spoken some Gentlemen had expressed their willingness to retire; that made a difference in his resolution. He was not anxious to press the appointment of the committee at the present moment, those Gentlemen having expressed the sentiments they had.

Sir *G. Grey* begged to mention to the right hon. Gentleman, as it was his intention to postpone and reconsider the constitution of the committee, that at present there were five Gentlemen on it connected with Lancashire.

Mr. *Wallace* hoped it would not be considered that he had said one word personally affecting any one of the Gentlemen named, and when he objected to the name of the right hon. Gentleman on principle, he begged to assure him, that there was not one individual to whom, personally, he should have less objection than to him.

Motion withdrawn.

STOPPING THE SUPPLIES — PUBLIC GRIEVANCES.] Upon the Order of the Day being read for going into committee of Supply,

Mr. *S. Crawford* rose to make a motion, of which he had given notice on a preceding day. The motion was an unusual one, but it was one which he felt unusual circumstances called for. The ground on which he made his motion, was founded upon the continued refusal of that House to inquire into or redress the grievances of the people, which had frequently been brought before that House by petitions. It was his intention shortly to refer to the several points of grievance mentioned in the resolution which he should propose. Amongst the various grievances which had been stated to that House by petitions, one of the most important was, that that House was alleged not to be a fair representation of the people, and therefore it was said by the people that that House legislated unjustly for the interests of the people—that there was class legislation for the purpose of particular interests, and not for the interests of the whole community. It had been alleged in the complaints which had been brought before that House that various monopolies had been kept up for the purpose of maintaining those class interests, and that those monopolies were deeply injurious to the interests of the great body of the people. One of those monopolies of which the people most seriously complained, was the monopoly in the supply of corn, which they alleged was maintained for the purpose of protecting a particular interest. Taxes upon corn raised the price of the food of the working man, and at the same time they complained that it prevented the demand for his labour, and therefore, that by those taxes the interest of the merchant and that of the manufacturing public were greatly injured. That great question had been so often presented to their consideration and had been so often disregarded, that he should not then enter more particularly upon it. He merely referred to it as one of those griev-

ances which had met with no redress at the hands of the Legislature. Then there were other monopolies which were kept up for the benefit of the colonial interests and to the disadvantage of the people—such as the duty on sugar. There were yet other monopolies, such as those created by the Bank of Ireland and the Bank of England charter, and such others as arose from that conferred on the East India Company. Of all these monopolies the people had repeatedly complained, and no measure had been taken either to inquire into or redress them. But another monopoly which had been frequently complained of, and with the like want of success, was that religious monopoly conferred upon the different Established Churches of the United Kingdom. That was a monopoly which oppressed the people in a great degree, and of which deep complaints had been made. In England the Dissenting bodies complained of being taxed for the support of the Established Church, and of the ascendancy which the Church assumed over other sects. More particularly the people of Ireland complained of the monopoly of an Established Church in that country, maintained for the use of those who did not include more than one-tenth of the people. The people of Scotland also were beginning to complain of their Established Church. The people complained also, that they were loaded with an enormous burthen of taxation, the consequence of what they considered to have been unjust and unnecessary wars, which would not have been undertaken or continued by a House of Commons fairly representing the people. He was not one to say, that the public credit must not be maintained—the interest of the debts when incurred must be paid, but the people still had a right to complain of the manner in which those debts were incurred. They complained also of the expenses in every department of the State—of large salaries to officers, and of an unnecessary number of servants. They complained that the taxation which had been imposed upon the country was so imposed as to press much more heavily upon the poorer than upon the richer classes of the community; for whatever affected the necessaries of life pressed more severely upon the poor than upon the rich. These were all matters which had been frequently complained of by petition to that House, and that House had uniformly refused to inquire into them. The people complained also that laws had been passed materially injuring their rights, and complained that those laws had been passed by a House which did not represent them. As an instance of one of those acts of which they complained, he would mention the Poor-law. They complained, and, as he thought, most justly, that whilst the duty upon corn was kept up, and the price of the poor man's food thereby enhanced, that House had reduced the powers of the poor man to procure food at a cheap rate. He would not enter into the merits of the Poor-law, but he must maintain, whether the old Poor-law should be altered or not, that they should not have infringed the poor man's rights, whilst they kept up laws prohibiting him from obtaining food. Amongst those particular laws which infringed the rights of the people, he should allude to that particular act relating to Ireland which was passed last year—the Irish Arms Act. That act inflicted an injury upon the political rights of the country; it was an infringement of every principle of political liberty, and could not by any possibility have been passed by a House representing the people of Ireland. It was found almost impossible to carry that act into effect. Marking the arms was an operation which would require such a length of time to execute, that he believed the life of the act would be nearly extinct before all the arms in Ireland could be marked; but that evil, serious as it was, sank into insignificance when compared with the arbitrary power which that act placed at the disposal of the magistrates. Such proceedings as those had produced the demand for the repeal of the Union; those arbitrary acts were declared to be not such as Ireland should submit to. The people complained that they had frequently desired that those arbitrary acts of the Government should be inquired into, but that their requests had been uniformly refused. It was needless to go further back than the last Session in proof of that statement; then various acts of the officers of the Government were complained of, but inquiry into all of them was denied. He did not say that the Government was guilty of all the acts charged upon them; but he maintained that they ought to have inquired into them. There were charges affecting the judges—charges concerning the treatment of prisoners in confinement—and charges touching the conduct of Government with regard to the restraining and dispersion of public meetings; all of which the House had unfortunately refused to investigate. Another thing complained

of was the enormous establishment of a standing army kept up for the home service. He was not aware of its present strength, but last year there were provided for the service of the United Kingdom 38,000 men; to these might be added about 9,000 constabulary in Ireland; making altogether very nearly 50,000 men. The armed constabulary of Ireland was, to all intents and purposes, a standing army, kept up without the consent of Parliament, and paid without coming to Parliament for the money. The people complained also that a hired police had been now instituted taking the place of the old and constitutional police. The people alleged, that if the laws were just and the Government impartial there would be no occasion for either that great army or that new system of police. Were the Government justly conducted and the laws just in themselves the people would require no coercion to keep them in obedience; it was the want of just laws, and of just principles of government, that rendered coercion at all necessary. The people, therefore, complained justly, that they were taxed to maintain a standing army and a hired police, from which good government would relieve them. But the most important charge of all was that which was brought against that House, of not being a true representation of the people. It had been alleged in petitions presented to that House, that, in consequence of the limitation of the franchise and the small number of electors which returned members to that House, the members returned could not be considered as the representatives of the people. Looking at the small number of electors, compared with the gross amount of the population, he would ask if any man could honestly declare that House to be a proper representation of the people? There was another cause why that House was stated not truly to represent the people, because, from the corrupt practices used at elections of Members of Parliament, which had been proved upon divers occasions, it could not be said to be a true representation of the opinions of the electors themselves. That being the case, and the number of electors being so small as compared with the population, he did not understand how it could be maintained that that House was the representation of the people. These facts had been stated to the House in various ways, and over and over again; the petitions of the people had stated them and sued for inquiry, and the House had received and recorded those petitions, though it refused all inquiry. Those petitions had been recorded on the Votes, and there they had been suffered to remain, the House not having the courage to enter into an inquiry and to meet the charges brought against it. If the House was a true representation of the people, was it not a breach of its privileges to say that it did not represent the people? Yet the House submitted to that charge, receiving the petitions which contained them, and recording them, yet not contradicting them nor inquiring into them. They stood, therefore, in the position of culprits; they were as accused persons who durst not meet the challenge of inquiry, and being in that position they were absolutely and directly avowing themselves to be not the representatives of the people themselves, and that they held their powers not by proper means. In a petition presented two years ago, signed by 3,500,000 persons, it was stated—and the statement was not wrong—

"That the House was not elected by the people, that its acts were irresponsible of the people, and passed by interested parties."

That petition the House received, and the petitioners challenged the House to give them an opportunity to prove their assertions, offering to make the House both the judges and the jurors in their own cause; yet the House would not meet the challenge. They were accused, but they would not face the charge; they denied all inquiry; and were not fit to perform the acts of legislation required, especially that one of laying on taxation, until they instituted an investigation into those charges, and provided some remedies for the grievances of the people. Independent of this, it must be remembered that upon the occasion of the appointment of the Compromise Committee, the House was challenged by the hon. Member for Finsbury, who proposed that no man should serve on that committee who would not give a pledge that he had used no undue means to obtain his seat. What was the result! Only nineteen members voted for that motion. Was not that a proof that the House was not in a condition to deny the charges brought against it? Then, again, the proposed inquiry into the grievances complained of by the Chartists was negatived by a majority of 287 against 49. He did not intend to affirm that the rules of the House ought to be set aside and disregarded, except under extraordinary circumstances; which extraordinary circumstances

at present existed, from the causes he had mentioned. His resolution went to require the House to consider the demands of the people, to consider whether or not there were faults in the system of representation, and, if faults were found in it, to remedy them. He would not depart from the principles which he had declared to be those upon which reform should proceed; but he wanted not upon this particular occasion, to commit the House to those principles. All he demanded was, that they should go into an inquiry, to ascertain whether those principles were right or wrong; or what were the principles upon which reform should be carried out. It might be said, that his motion, if carried, would be a nonentity unless he went further. He was prepared to say what he would do, if the House would affirm his resolution. He would then move, either that the House resolve itself into a committee of the whole House on an early day, or that a select committee be instituted to inquire into the present state of the representation. It might be said that the inquiry would last an immense time, and that the delay of the supplies during that time would be productive of great mischief. But suppose the Government should say that they were ready to go into the proposed inquiry, then he would be ready to vote the supplies for three, four, five, or six months, or for such a time as might be thought necessary for the inquiry. If he could get from the Government any promise of any desire or intention of instituting such inquiry, he would not impede the supplies. It was far from his wish to do so; he would rather induce the Government to do something for the people. Whether a minority of that House could succeed in stopping the supplies or not, was a question that he would not, upon this occasion, discuss. He wanted a majority to go along with him in asserting the principle that the grievances of the people should be redressed before the supplies were granted. It was not his intention at present to go further, if the House would accede to that proposition. He would not say, however, what he might hereafter think it proper to do; but if any individual member would undertake or attempt to proceed in a course with regard to the supplies which should not be supported by public opinion out of doors, and a sufficient number of Members in that House, he was not the man that would attempt it upon his own individual responsibility. He wished to bring his proposition fairly before the House and the public by discussion, and then it would be for the Members of that House and the people out of doors to say how far they desired this particular mode of action to be carried out. He should then pursue that course which prudence and judgment under the circumstances would dictate. He was aware that there was an objection to raising the question of a grievance upon going into committee of supply; and, unless that course were supported both in and out of the House, it could not be successful. He did not contemplate repeated adjournments; but he wished that those Members who represented the popular interest should bring forward motions on going into supply, not to overrule the House by a minority, but to get the majority of the House to agree with them; and, though they might be defeated at first, he did not despair of ultimately getting a majority of the Members of that House to maintain the principle for which he contended. He did not charge the present Government in particular with inattention to the prayers of the people; he admitted that other Governments, as well as the present, had been neglectful of the grievances of the nation. He did not think the existing Government more guilty than many other Governments; and he was aware that he should be opposed on this very motion, not by them only, but by the principal supporters of the late Government. Inquiry was his object; and, if any Government refused to comply with the demand for inquiry it then became the duty of that House, as a body, to refuse to go into a committee of supply until that inquiry and the redress of the grievances of the people were afforded. That was the general and constitutional principle for which he contended. He wished the House to recollect their position; they stood there as criminals before the people, whose heavy charges were recorded on its Journals, and therefore, as being incompetent justly to legislate for the people until they redressed the wrongs of the country. He would not trespass longer upon the patience of the House, but conclude by expressing a hope that he had brought forward this question in a temper and manner not unbecoming. He had no wish to be offensive to any one; but he had thought it his duty, not only to his constituents, but to the people at large, to bring forward the motion, and to state the points he had submitted to the consideration of the House. Having done so, he

would now move the amendment of which he had given notice:—

"That whereas complaints have been made to this House on various occasions, by petition, to the effect that the people are suffering under unjust and partial legislation, and under the effects of monopolies of various kinds, political and ecclesiastical, created and kept in existence for the benefit of favoured classes; that by the taxes imposed on food, for the support of one of these monopolies, the supply is restricted and the price raised, whilst at the same time the demand for labour is diminished and wages reduced, and the profits of manufacturing and commercial industry deeply injured; that the burthen of general taxation has been increased to an intolerable extent, by an extravagant expenditure in every department of the state, and that this taxation is so imposed as to press most oppressively and heavily on the industrial portion of the community; that laws have been passed injurious to the rights of the people, and arbitrary proceedings of Government have taken place dangerous to public liberty; that, in order to sustain this system, an unconstitutional amount of standing army is kept up for the home service, and the ancient constitutional constable superseded by hired police; all which would be wholly unnecessary if the grievances of the people were redressed, and just and impartial government established: it is further complained, that these and other grievances are produced by the bad constitution of the Commons' House; that by the limitation of the suffrage, the long duration of Parliaments, and corruption and undue influences in the election of representatives, this House, as at present constituted, does not truly represent and is not responsible to the people, and therefore does not legislate for their interests; that, notwithstanding frequent respectful petitions presented to this House, the complaints of the people have neither been inquired into nor redressed: that from these causes an alarming state of discontent prevails generally over the united kingdom; it is, therefore, the immediate duty of this House to make inquiry into these complaints; and as this House can have no right to vote supplies except as being the representatives of the people, it is imperatively necessary that the charges brought against its present constitution and competency in the petitions which have been received and recorded among its proceedings should be inquired into, and if found to be justly made, redressed, before this House shall proceed to the voting of supplies."

Mr. *W. Williams* rose to second the amendment of his hon. Friend without any hesitation; but had it involved the principle of a small minority of that House engaging itself to stop the supplies against a large majority, he should not be anxious to support it, knowing the vast and important results that would follow should it be successful. The simple object of the amendment was to obtain inquiry into the existing grievances of the people, with a view to their being redressed. The hon. Member had stated generally what he considered to be the grievances of the people, as they were expressed in the petitions which had been laid on the Table of the House. He agreed with the hon. Mover as to the existence of the grievances and the detail he had given of them in the resolution. His hon. Friend had not gone so far as he might, according to examples which were to be found on the Journals of the House. The noble Lord, the Member for London, when he introduced the Reform Bill, stated the object of it to be in these words:—

"That the people should send to this House their real representatives, to deliberate on their wants, and to consult on their interests; to consider their grievances, and to attend to their desires; to possess the vast power of holding the purse-strings of the monarch, and to lay the foundation for most salutary changes in the well-being of the people."

There was nothing so strong as that in the resolution proposed by his hon. Friend. He would ask the Members of that House—and the noble Lord in particular, were he in his place—whether any of those important objects had been obtained by the Reform Act? He believed every honest man must answer in the negative. The people supported that measure; they were ready even to risk their lives, because they believed that it would produce those effects which its promoters stated. But what had been accomplished? Nothing; not a single hope had been realised. A short time ago, three millions and a half of people complained, that they were not properly represented in that House. In 1642, the House of Commons resisted the arbitrary conduct of the King, and committed the supplies to commissioners, instead of being paid into the Treasury; which act not only laid the foundation of putting a stop to the attempted tyranny, but led the monarch who attempted to violate the ancient constitution of the country to the scaffold. Again, William the 3rd, on ascending the Throne, entered into a compact with the people, called the Declaration of Rights. In fulfilment of that solemn engagement, the Triennial Parliaments Bill was passed in 1693 by the Lords and Commons; but the King violated the compact and refused to give his assent to it. The House of

Commons—ay, and the House of Lords too, had virtue enough in those days to press upon that monarch compliance with his engagement, and they therefore repassed the bill which he had rejected. Bishop Burnett, who might be considered the best historian of those times, and who best undertood the political movements of that day, said—

"It was expressly told the King by the Parliament, that they would grant no supplies unless he gave his assent to that bill, and they acted accordingly."

"Now, there was nothing so violent in the proposition of his hon. Friend. The first and most important grievance complained of in the amendment was, that that House did not represent the people of this country. He admitted, that it was right for the majority of that House to rule, provided they really represented the people. That House not being a fair representation of the people, his hon. Friend was not only justified in the course he now proposed, but would have been justified in going much further. How did the facts stand with regard to representation? 5,000,000 out of the 6,000,000 of the adult population of the United Kingdoms had no voice in the election of Members of Parliament; yet that House in its injustice threw upon those 5,000,000 of the unrepresented the burthen of at least two-thirds of all the taxation of the country. If any hon. Gentleman disputed it, he was quite prepared to prove the fact to be as he had stated. This was a grievance which the people felt was intolerable. The highest authority in the country, Her Majesty's Prime Minister, in introducing the Income Tax made use of a most remarkable expression, which he would beg leave to quote. No doubt at that time the right hon. Baronet's friends had admonished him against the adoption of a tax that would so severely affect their own pockets, and no doubt he wished to stand well with the class to which he belonged, and seeing how easy it would be to throw the burthen on the backs of the defenceless, unrepresented 5,000,000, he felt he must make out a strong case before he could justify himself to his friends in imposing that burthen upon them. The right hon. Baronet, therefore, used these remarkable words:—

"I cannot consent to any proposal for the increase of taxation on the great articles of consumption by the labouring classes of the community. I say, moreover, that I can give conclusive proofs that you have arrived at the limits of taxation on articles of consumption."

This was a notable declaration, and when he heard it from the right hon. Baronet, he said it exemplified great frankness and manliness of character. What did this important fact prove? It proved that they had laid the great weight of taxation on the backs of the unrepresented 5,000,000 to the very utmost they could bear, and the right hon. Baronet, with that judgment and sagacity which distinguished him, clearly saw, that it would be imprudent to increase the weight where it already pressed so heavily, lest it might break the camel's back, and he, therefore, called upon the higher classes to assist him in providing for that vast and extravagant public expenditure of which they themselves took so large a portion. Looking to the course of legislation in that House, no one could wonder at the dissatisfaction of the people. According to Blackstone, it was only because the people were present in that House at the making of the laws through their representatives that they were bound to obey the laws when made. He should like to know what this country would be without the 5,000,000 of the unrepresented of Great Britain and Ireland. What would be the value of their land? What would be the value of their mines, their manufactures, their ships, their colonies, their commerce? What would be the value of all those without the labour, the skill, the ingenuity of these 5,000,000. Whence did they supply their army and navy? All the resources which constituted the riches and power of this country were derived from those unrepresented classes who were now complaining of the injustice inflicted on them. With regard to the constitution of that House, the origin of all the evil, he must say, so far as regarded the interests of the people and the disposition to alleviate oppression, the Reformed House of Commons treated the people worse than the old boroughmongering Parliament. Every one who read the evidence given before the committee in 1836 must be satisfied that the election which took place in the beginning of the preceding year was carried by means of the grossest bribery, coercion, and intimidation. More recently a committee was moved for by the hon. and learned Member for Bath, with the same view. That hon. and learned Member brought charges against the electors of certain towns for having received large sums in the shape of bribes—a

committee was granted to investigate the facts; but in the progress of the debate it was laid down as a rule, that whatever amount of bribery might be proved against any constituency or Member, no reflection should be cast on either; thereby admitting that the whole proceeding was but a common affair. When Mr. Maddox brought forward a charge against an individual for having sold a seat in that House, Lord Castlereagh declared, that the sale of seats was as notorious as the sun at noon-day; and he now maintained that the same unconstitutional object was still effected by means of intimidation and corruption. At the Harwich election, it was proved before Mr. Roebuck's committee, that ninety-six voters had been bribed with an expenditure of 6,300*l.*, thirty-three having received 3,000*l.* To call a House so constituted a representation of the people was altogether ridiculous. He would instance two boroughs, each sending two Members—Thetford with a constituency of 160, and Harwich with 181 voters, returned four Members; the city of London, with a constituency of 18,000, returned four Members; the West Riding of Yorkshire, with 30,122 voters, returned two; and Manchester, with 12,150, returned two: so that 18,000, the constituency of the city of London, or 42,272, the constituency of the West Riding and Manchester, were neutralized by 341, the combined constituency of Thetford and Harwich. They might call this toryism or conservatism, but certainly it had no pretension to be considered a representation of the people. Without going into too much detail, he could mention seventy-four towns which returned 121 Members, with a combined constituency less than that of the West Riding of Yorkshire, which only returned two Members. Yet they called that a fair representation. Forty Members constituted "a House," who could vote away public money by thousands and millions, and pass laws having the most important bearing on the entire people of the country. There were towns returning twenty-one Members, of which the united constituencies amounted to 2,923, and there were twenty other towns with 154,340 voters which returned twenty Members; the latter being entirely defeated or swamped by the former. He could name other fifty-one Members returned to that House by a constituency of 8,557, who outvoted fifty others returned by 279,618 voters. What could they expect but corruption and neglect to redress the national grievances in a House of Commons so constituted? Who were the high constitutional authorities on this subject? Lord Chatham's axiom was, that taxation without representation was tyranny. Mr. Locke held the same principle; so did Lord Grey and Lord John Russell. In 1831, the year before the passing of the Reform Bill, during the existence of the old boroughmongering Parliament, the expenditure amounted to 47,140,000*l.*; in 1843, the expenditure amounted to 49,950,000*l.* being an excess of 2,810,000*l.* over 1831, both being years of profound peace. Taking a middle period, he found that in 1836 the expenditure was 44,200,000*l.*; while in 1844 it was 49,950,000*l.*, being no less than 5,750,000*l.* above the expenditure in 1836, the addition being more than the whole taxation of the United States of America for maintaining every department of the Government and payment of the interest of the public debt. Yet the United States had done that which no Chancellor of the Exchequer ever could do in this country; they had paid off the last shilling of their debt. It was true they had incurred some debts since; but he would be bound to say, that the newly incurred debt would not long be unpaid. He spoke of the Government of the United States, not of the State Governments. Was it not a most remarkable fact, that the difference between the expenditure of this country eight years ago and at present should exceed the expenditure of that great republic, whose population was equal to that of Great Britain; a republic which was bearding us, raising its crest against us, and from which we had more to dread than from any other quarter of the globe? The taxation of this country was now greater than during any year of the last war. One of the most enlightened men of his day, a gentleman who had proved himself to be well acquainted with the condition of the country; he meant the right hon. Baronet, the Secretary of State for the Home Department—had made a statement in this respect, which he believed was rather under than over the mark. He said, that in 1812, the amount of taxation was 69,000,000*l.*; the price of gold was 5*l.* 1*s.*; in 1813 the amount of taxation was 73,200,000*l.*, when the price of gold, bought with depreciated paper, was 5*l.* 6*s.* 1½*d.* In the first instance, there was a depreciation of the currency, as compared with the standard

value of 38½ per cent., and in the second instance there was a depreciation of 41 per cent. Reducing this to the present standard of gold, at 3*l.* 17*s.* 10½*d.* per oz., the average taxation in those two important years of the war, when the greatest exertions were made by this country and foreign nations to emancipate themselves from the thraldom of Napoleon, would be 45,000,000*l.*, 10,000,000*l.* less than the amount of the taxes of the last year, after twenty-eight years of peace. He would ask any honest man if, after such a statement the people of this country had not just grounds of complaint? These were facts, and he challenged the Chancellor of the Exchequer to dispute them. But, besides the difference in the value of the currency, the deteriorated condition of every interest in the country made the taxation press much more heavily than it did at any former period. Let them take any artisan, mechanic, or labourer, and he would venture to say the average of them would now require more than the wages of two days to pay their taxes, when in 1812 and 1813, the produce of one day would have been enough. Three pounds of iron, two pounds of cotton twist, and four yards of calico would now be required, where one would have sufficed at the former period, and the same observations would apply to every produce of the industry of the country. The taxation last year amounted to 55,000,000*l.* for the purposes of the general government alone; the people being obliged to pay for their own local government, and the protection of person and property in addition to all this. According to a most important statement of the Poor-law Commissioners, he found that the local taxation amounted to 12,000,000*l.*; and this, he believed, was vastly under the actual amount. The local taxation of the city of London was estimated at 188,500*l.*; but he had reason to believe, that it was not less than 500,000*l.*, including charges paid to the corporation, taxes on coal, poor-rates, church-rates, and tithe. But the estimated 12,000,000*l.* applied only to England and Wales; taking the local taxation of England, Wales, Scotland, and Ireland, and including tithes which the right hon. Gentleman opposite had described as a tax, the amount would be more than 25,000,000*l.*, making altogether a taxation of 80,000,000*l.* on the people of this country, independently of the large amount paid to Dissenting and Catholic clergymen for the maintenance of places of worship, schools, &c. The bulk of that was paid by a population of 18,500,000; for, with all her complaints, Ireland was much better off than England with regard to taxation. The taxation of Ireland did not amount to one-twelfth of the whole taxation of the empire. The taxation of France amounted to very little more than 50,000,000*l.*, out of which, besides the payment of the public expenditure, the clergy were paid, and nearly all those taxes which, in this country, came within the range of local taxation. Such was the disproportion between the taxation of England and that of other countries; and, in order to exact the vast amount from the toil and the sweat of the brow of the labouring millions, it was necessary to maintain a large standing army and a military police; for, without such aid, it never could be collected. And that army had been very much increased. In 1822 the army, independent of the Artillery and some other corps, amounted to 91,750 men. In the last year there were 129,481 men voted. At the commencement of the last Session, the Government told Parliament that they would reduce it by 5,700 men; and yet, before the close, they came down with a bill to add a permanent military force, of 10,000 men, which, if they went to the extent of the power given by the act, would answer to the Prætorian Guard of the Roman empire. He did not mean to say that the Government intended this when they came down with the proposition; but they had established the principle by the bill, and they might depend upon it, that some of their successors would act upon it. They could to-morrow, if they liked, discharge to the extent of 10,000 picked men from the army, and place them on half-pay, and call them the next day into permanent service under the bill referred to. The addition of these 10,000 men made the military force, at the beginning of the present year—and that, too, on a peace establishment—no less than 139,481 men, or 30,700 more than the number of men voted in the year before the passing of the Reform Bill. Now, it was of such things as these that the people complained as oppressions and grievances. They would not endure them. The whole system of taxation was partial and unjust. Those who imposed the taxes always took care of themselves and the order they belonged to. There was not a more unjust and partial system of taxation on the face of the globe.

All the despotic countries of Europe imposed the great weight of their taxation on the richer classes; but the tax on land in this country was only 1,100,000*l.* or 1,200,000*l.* out of 55,000,000*l.* The great weight of the taxation of this country was laid on the necessaries of life, as they had been told by the right hon. Baronet opposite last year, those necessaries were taxed up to the last penny they would bear. In proof of this he would refer them to the result of the attempt of the late Chancellor of the Exchequer (Mr. Baring) to add a tax of 5 per cent. on those taxes, and 10 per cent. on the assessed taxes. That right hon. Gentleman contended, that the additional tax would produce 2,500,000*l.* more, but the produce actually fell short of the taxes of the preceding year. He repeated, that the taxes on the necessaries of life were most unjustly imposed. Look at the duties on tea. Tea sold at 10*d.*, and tea sold at 5*s.* the pound, paid the same tax of 2*s.* 2*d.* per pound. So that the humble inhabitant of the garret, earning perhaps 3*s.* a week by sewing, and who could get scarcely anything else but tea, paid five times as much duty for the article as was paid in proportion by the rich occupant of the Treasury Bench opposite. Then, too, the commonest brown sugar, which was often mixed up with unwholesome materials, paid the same proportion of duty as the finest refined sugar. Common tobacco paid a duty of 800 per cent., while the duty on cigars, which were composed of the finest and richest tobacco, was only 150 per cent. On the champagne and burgundy, which formed the beverage of the rich, the duty was only 17½ per cent, while the tax on the labouring man's beer was more than 100 per cent. These inequalities were, he maintained, just grounds of complaint, and they were looked upon in that light by the people of this country. We had it on authority, that 10,000,000 of the people of this country were living on potatoes and oatmeal the food of cattle. Such a state of things could not continue, a society had been formed by the rich in this metropolis, headed by the most distinguished of the clergy, for the purpose of relieving the distresses of the poor, and of preventing those scenes of starvation which had recently so frequently occurred there. To them and to the whole community he would address the memorable words once used by the right hon. Baronet, the Home Secretary:—

"Whenever this country presents the spectacle of millions supplicating for bread, then will the people sweep away all titles, and pensions, and honours."

Sir *R. Peel*—Sir, I am very willing to admit that the hon. Gentleman opposite is fully entitled to that credit which he took to himself of having discussed that motion he has this night brought forward, with moderation and temper. I think it is impossible for any man who has listened to the observations of the hon. Gentleman not to admit this—and I think, also, that it would not be just to attempt to raise any prejudice against this motion by imputing to the hon. Gentleman the possible design, at any future period, to obstruct the business of this House by frequent and vexatious motions of adjournment. Whatever course the hon. Gentleman may be hereafter advised to adopt—and my confidence in his good sense leads me to hope that unless supported by a very large body of the people out of doors, and by a majority within the House, he would not consider himself justified in pursuing that one to which I have just referred. Of the motion of the hon. Gentleman we must judge by a reference to its own merits; and I am sure that he will admit that I have met it in a corresponding spirit with that in which the hon. Gentleman has brought it under our notice. I take, therefore, this resolution as it is, and I ask the House at once whether, or not, it be for the public interest that this House should pass a vote in favour of it? The resolution, Sir, consists of two parts. The first insists on its being the immediate duty of this House to make inquiry into grievances alleged or complained of; and the second point denies the competency of the House to grant supplies or to perform any legislative functions whatever, by a defect in its constitution. Why, Sir, if this resolution were to be carried, the House of Commons would, to use a quotation of the hon. Member opposite, pronounce itself criminal in the face of the country, and the sooner it abandons its duty the better. This resolution, as well as the speech of the hon. Gentleman, is an impeachment of the power and competency of the House, the remedy suggested for which would be the greatest social revolution which any country has ever witnessed. Sir, the hon. Gentleman enumerates, among the grievances of the people, which he alleges require immediate redress; the monopoly enjoyed by the

East-India Company, and the monopoly granted to the Bank of England. He there complains of the passing of the New Poor-law, and considers that it affords a just ground of complaint, and requires, with these monopolies I have named, an immediate inquiry. The hon. gentleman then passed on to the Church Establishment, and stated, that the people of this country were disposed to complain of the existence of the Church Establishment in this portion of the empire, whilst in Ireland he considers it to be a still greater grievance than in this country, in consequence of the peculiar state of society in that part of the kingdom. Even in Scotland, too, says the hon. Gentleman, the people begin to complain of a Church Establishment. Not satisfied with these complaints, the hon. Gentleman even includes in his catalogue of grievances the new police force of the country, and among the various establishments respecting which he prefers charges against Parliament, is that of the old office of constitutional constable of the abolition of which he complains, and of its supersession by a hired force. The Corn-laws constitute, also, another great grievance; and what the hon. Gentleman proposes is, that we should withhold supplies to the Crown until all these various matters—the charter of the East India Company, the Bank charter, the new Poor Law, the Church Establishment, the Corn Laws, and the Constabulary Force—shall have been investigated; in short, until the House of Commons shall have passed a resolution to make one simultaneous inquiry into all these questions—that is to say, the supplies having been voted for the service of the year, from April 1843, until April 1844, the House of Commons shall institute such an inquiry as this, into the entire social state of the three constituent parts of the United Kingdom, and of our colonial dependencies. Such a course of proceeding, Sir, is perfectly impracticable. And does the hon. Member suppose—even if his own views of the state of society justify him in asserting every thing that is contained in his resolution—does the hon. Member seriously think that it would conduce to the remedy of any one of these complaints he has preferred against us, or that it would lead to a satisfactory conclusion of any question connected with a complicated state of society such as our own, that we should proceed to pass a resolution such as this? In the first place, how, let me ask, is such an inquiry to be made? The hon. Gentleman does not mean to bring forward a motion for a committee of the whole House for the purpose of embarrassing the Government. We understand that—we know that such a motion implies a want of confidence in the Government. The House, generally, on such a question, looked upon a motion involving it as representing the views of one party in Parliament in opposition to those of the other; but what the hon. Gentleman proposes is, that before we grant to the Crown the usual supplies for the public service, we shall resolve ourselves into a committee of the whole House, for the purpose of instituting an inquiry into all these various and important matters. Why, Sir, what would be the effect of such a step, even were it possible? Its effect would be to raise expectations we could never gratify—whilst the still more probable result of such a resolution would be a perfect conviction of the folly of the House which should agree to it. But the hon. Gentleman is not contented with affirming the policy of his resolution; he goes still further, and, in the second portion of it, he says, that

> "This House can have no right to vote supplies, except, as being the representatives of the people, it is imperatively necessary that the charges brought against its present constitution and competency in the petitions which have been received and recorded among its proceedings, should be inquired into, and, if found to be justly made, redressed before this House shall proceed to the voting of supplies."

And then the hon. Gentleman refers to a petition presented some two or three years ago, and very numerously signed, which impeached the competency of the House, and asks us how we can with decency enter upon the duty of voting supplies for the service of Her Majesty before we have enquired into all the charges contained in that petition. Why that petition demanded a complete and radical reform in Parliament as essential to redress the grievances of the people. The hon. Member who seconded this resolution, stated that there are six millions of adult population in this country, and that only one million of them are represented in the legislature—that the House is guilty of having subjected the remaining five millions to taxation, without giving them,

at the same time, a fair and adequate representation in Parliament; and his proposition is, that we shall confer the right of the suffrage upon the whole of them. The hon. Gentleman does not come forward as the advocate of household suffrage, but maintains that the right to possess the franchise shall be co-extensive with taxation. But if that principle be a just one, I confess I do not see how he can refuse the right to the female portion of the community. Though the hon. Gentleman says that it is unjust to subject five millions of people to be taxed without possessing the right of the suffrage, he is obliged to limit his proposition to something less extensive—and excludes females, while on his principles both the male and female portion of the community ought to be invested with the right to vote. The hon. Gentleman appears to say, that they ought. I can only say, then, that the hon. Gentleman comes forward as a more comprehensive reformer than any that has hitherto appeared in this House. But why limit the right of suffrage to adults alone? You subject parties under age to taxation, and you make the youth of eighteen years of age liable to serve in the army, and according to the principle laid down by the hon. Gentleman, if you impose taxation on such a person, you ought, at the same time, to give him the right to the suffrage to an equal extent. Indeed, the hon. Gentleman's proposal is neither more nor less than this, that the whole of the population of this country, and of every part of the United Kingdom, who pay taxes through the operation of indirect taxation, shall, both male and female, have a share in the representation of the people. If the principle of the hon. Gentleman be a just principle, is it possible he can contest this conclusion? and depend upon it, his new House of Commons will very speedily be liable to the same charges as are brought against the present, and that a petition will necessarily be soon numerously signed by females and youths and presented to it, saying —"We are entitled to the right of the franchise"—and the new House, arraigned by hundreds and by thousands of persons, will end in being bound to admit its own incompetency and be exposed to the same charges as are now brought by the hon. Gentleman and those who think with him, against the present House of Commons. From the speech of the hon. Gentleman I should have thought he was contending for a repeal of the Reform Bill—and for a return to the old borough-mongering Parliament; for his argument was, that the infusion of the democratic principle into this House has disappointed the public expectation, and inflicted a heavier burthen of taxation on the country than it had before been required to bear. The hon. Gentleman did not, certainly, bring this forward as a taunt against Reformers—he was not prepared to twit the noble author of the Reform Bill on this account—but he brought his estimates with respect to different periods together, and shewed that, under the Reform Bill, there had been an addition of 10,000,000*l.* to the burthens of the people. He says that, in the year 1822, the more moderate Parliament of that day had a standing army of only 91,000 men—that you have reformed the Parliament, and the army is now augmented to 137,000, and the taxes also are very heavily increased. It would be a legitimate conclusion from the hon. Gentleman's principles to go back to those happy times when the army was no greater than the amount he states, than to follow the hon. Gentleman in the perilous career he proposes—for his whole argument went to show that economy of the public money, and a resistance to oppression, do not depend upon the constitution of this House, but upon the virtue of the men in it. The hon. Gentleman went back to the year 1692, and says that the House of Commons of that day claimed for the people the right of having frequent Parliaments. William the Third, a powerful monarch, departed from the engagement he had entered into in this respect, and the consequence was, that the House of Commons determined to refuse the supplies till the public faith, which had been pledged by the Crown, should have been fulfilled. But that virtuous Parliament, which, in two successive years—backed, too, by the House of Lords—controlled, and justly controlled, the will of the Crown, had a much less free constitution than the present Parliament enjoys; and I must say, judging from the speech of the hon. Gentleman, I should have inferred that he is no friend to the present Parliament, and that he is making an ingenious argument to show his preference to be in favour of going back to that of 1822—nay, still further, if you have the courage to do so—even to the Parliament of 1692.

But again, the hon. Gentleman's condemnation of this present Parliament was somewhat qualified, for the hon. Gentleman, paying a compliment to myself, for which I beg to return him my sincere acknowledgments, said that when it became necessary for us to make a great exertion to equalise the revenue with the expenditure of the country, the present Parliament did, what? Impose additional burthens on the poorer classes, and duties upon articles which, though not of exact necessity, yet in a great measure, partake of that character? No; the hon. Gentleman's charge against the present Parliament was not that they included in their taxation articles of general consumption, but that they were contented to lay an additional burthen upon themselves, instead of trying to lay it on the great body of the people. And they did so—but I cannot see that, in doing so, they betrayed a keen desire to increase the burthens of the people—or that they by any means deserve that blame which could justify these charges against their competency. Take the Poor Law Act, for instance. The hon. Gentleman refers to that law as one great grievance. Did the Legislature pass that Act merely from a wish to make an alteration in the law? Was it without inquiry that we passed the Poor Law Bill? No; commissions were appointed expressly to inquire into every part of the subject, and the great and crying abuses of the late system of relief of the poor were brought to light; and a Government, having no other view with reference to that law than to remedy the evils of the old system, which threatened to destroy the comfort and undermine the private character of the bulk of the population, incurred without flinching great unpopularity by introducing the Bill in which their remedy was embodied. Again, with respect to the charter of the Bank of England, I should like to see how the hon. Gentleman, having obtained his committee, and a resolution to inquire into the subject of the Bank charter having been concurred in—I should like to see how the hon. Gentleman would go on? Is he aware of the inquiries which have already been made upon this subject? Is the hon. Gentleman prepared to conduct such an inquiry? Is he aware that, for three Sessions, one branch of the subject alone occupied the attention of a committee of this House—that another committee was subsequently appointed to investigate it, which did not make its report until the end of the then Session of Parliament? Is the hon. Gentleman ignorant of all these inquiries? if not, how can he come forward and say that into none of these grievances has inquiry been made? If he thinks that the subject of the Charter granted to the Bank of England was not fully investigated, I wish him joy of any inquiry at the bar of this House which he could institute into the whole case of the Bank Charter. And what, I should like to be informed, are we to do with regard to the Church Establishment whilst that inquiry is going on? I will venture to say, with reference to the duration of such an inquiry, that the hon. Gentleman will find such a variety of opinions upon every part of the subject—so much business added to the investigation in reference to Country banks, and to Joint Stock banks—so much discussion connected with the question of the Currency Bill of 1819—that I am sure he would be obliged to postpone *ad Græcas Calendas* all the other questions which his resolution embraces. With respect to the other questions, the Church Establishment, Reform in Parliament, and so forth, they are subjects to be decided on by the deliberate sense of the House, after full and adequate discussion, by select committees of the House, or by committees of the whole House. These, then, Sir, are the grounds on which I resist this motion. I say that it is impracticable, and that it would be absurd, to pass a resolution pledging ourselves to inquire into eight or ten different subjects, embracing the entire state of domestic society in this country. For the House of Commons to make a public confession of its own incompetency, and to declare itself "criminal," because a petition was presented two or three years ago, charging it with such imputations, appears to me most extraordinary, and I must say, it is equally improbable that the House of Commons will consent to place itself in such an anomalous position. The hon. Gentleman entered into a variety of details, but the House will, I think, agree with me, that this is not the proper time for discussing such matters. The deep importance of the various matters to which the hon. Gentleman adverted I am perfectly ready to admit, but I am not prepared to admit that this House is in a situation to enter upon inquiries into the several questions

with respect to taxation to which the hon. Gentleman has alluded. The hon. Gentleman, among other instances of unjust taxation, mentioned the article of tea, and he said it was a gross and scandalous injustice to the poor to lay an equal duty on all descriptions of tea. The House must be aware that there was a discriminating duty on tea, which duty was established from a desire to consult the interests of the great body of the consumers. Why was it abandoned? It was not abandoned as the act of the Government, or from any wish to interfere with the interests of the consumers, but after a laborious investigation by a committee of the House of Commons, which led to the conviction that the difficulty of collecting the duties was so great as to render the imposition of an equal duty indispensable. That was the opinion of a right hon. Gentleman opposite the late Chancellor of the Exchequer, who then held office as one of the Secretaries of the Treasury, and whose opinion had great influence with the Government; and I think I may appeal to the right hon. Gentleman to confirm me in what I say, that if an equal duty on tea was substituted for a discriminating duty, it was not with any view to bear hardly on the working classes, or consult the interests of the Government, but merely to give facilities for the proper collection of the revenue. If you could, without fraud, raise an equal amount of revenue from a discriminating as from an equal duty, the Government would have no objection whatever to apportion the duty to the quality of the tea; but that was found to be impracticable, and therefore it was that the equal duty was substituted for the discriminating duty. Sir, with regard to the article of beer, I think that the comments of the hon. Gentleman cannot have any weight at all events in reference to my right hon. Friend the present Chancellor of the Exchequer, for it was on the advice of my right hon. Friend that the Government consented to abandon the tax on beer, considering it to be untenable as distinguished from the duty on malt. The House seeing in the proposition of my right hon. Friend a means of adding to the comfort of the people at once acceded to it. The House, therefore, agreed to a diminution of the revenue in this particular instance, for no other purpose than that of adding to the comforts of the people; and consequently I deny the charge made against this House, of being inattentive to the wants of the people, and of having no disposition to undertake any inquiry which we think may conduce to the advantage of the people. On all the subjects to which the hon. Gentlemen have adverted, there has been full and frequent inquiries, and that, I say, shows that there is a strong desire in reference to taxation to consult the interests of those on whom taxation falls; but, at the same time, I conjure the House not to lower themselves in the eyes of the country, or injure their character by such a declaration as that we are incompetent to legislate, because a petition numerously signed has claimed for the whole people a right of suffrage, and has branded the House as the unworthy representatives of the nation.

Mr. *Hume* wished to draw the attention of the House to the real objects of the motion of his hon. Friend, which had been to a great extent avoided by the right hon. Baronet. He must admit, that some parts of his hon. Friend's arguments did not strike him as being so forcible as others; but he would put it to the right hon. Baronet, whether any time could be so appropriate, and whether his hon. Friend could avail himself of any opportunity more fitting to bring before the House the state of the country, than that he had chosen for the purpose? He could not, therefore, agree with the right hon. Baronet, that this was not the fitting occasion to introduce such a resolution as had been proposed. The right hon. Baronet had not taken notice of the important part of the motion. The first observation of his hon. Friend was, that many of the wishes of the people were neglected and passed by without consideration by the House. Now, was that denied? Did the right hon. Gentleman deny the universal suffering of the people? And, if not, why did not he turn his attention to the subject, with a view to providing a remedy for the evil? His hon. Friend had said, that it was this admitted suffering that formed one of the principal grounds for bringing forward his motion. True, it might be difficult to meet that giant grievance, but look at the extent of the destitution, and the various instances of distress and suffering which occurred daily in a land like this, abounding in wealth and luxury. What he asked, therefore, was, that the House should should turn its attention to that which

was the main object of the motion—to bring before the House an exposition of the distress of the country, in order that, if possible, some remedy might be devised and applied. It appeared, however, to be the intention to lie by, as in the last Session, and to trust to Providence for better times, leaving the misery and distresses of the people to relieve themselves. Within the House no remedy had been suggested. Out of the House it had been suggested that the supplies should be stopped. Now, with regard to the proposition for stopping the supplies, it was true that in 1835 he had himself given notice of a motion for that purpose, which he had intended to move; but the circumstances of that period were different from those of the present. In 1835 the Crown was about to carry on the Government by means of an Administration not enjoying the confidence of the majority of that House. That was, therefore, the proper time to say to the Crown, if you dismiss those Ministers in whom the majority of the House and the country have confidence, we will refuse to vote those supplies, without which the Government cannot be carried on. That would have been to say, "The House of Commons have not confidence in the Government." But the circumstances were now changed. Now the majority of the House is with the Government. How, then, could they stop the supplies, when those supplies were to be voted by the majority of the representatives of the people (so called at least), and that majority is with the Government? Such a thing could not, and ought not to take place. But the second part of the motion, which was the most important, went to declare that the House, as at present constituted, did not represent the opinions of the nation at large, and his hon. Friend had told them that out of doors that opinion prevailed almost universally. It appeared that that House represented not more than one-sixth or one-seventh of the whole adult population of the country. The House, being a representative body, ought to represent all interests and all classes, and he contended, with his hon. Friend, that it did not. He (Mr. Hume) would go further than his hon. Friend, and would say the reformed Parliament, as now existing, had done what an unreformed Parliament would not have done. The noble Lord who brought forward the Reform Bill, said at the time, that the main object of that bill was to ensure to all classes in the country fair representation in that House, and to do away with class legislation. But had that object been effected by the bill? Had it been carried out? No such thing. The suffrage was so narrowed under the Reform Bill, and the number of electors so small, that the bill was, for all its main purposes, a failure. He had hoped, that a full and fair representation would have been given under that bill, but, like many others, he had been disappointed. Why, the authors of that bill, ineffective and limited as it was, had themselves turned round and checked its operation. He did not so much blame the House itself, for the House was, perhaps, better upon the whole, but the electors generally. In many places, the constituencies were of the highest character, and no charge of corruption could be brought against them, but in others the grossest corruption had been exhibited, and they had sent a majority into the House, many of whom owed their seats to money only, and who, when they came there, consulted their own interests and not those of the country. It was because the House was so constituted, and because the great majority of the people found that they were not represented, that so much discontent was exhibited. He was sure the right hon. Baronet could have no idea how the House was constituted. He wished to show, that the great mass of the people out of doors had a just ground of complaint, and had a right to call on Parliament (or at least those who were of his way of thinking) to say, that they ought to take steps to make the country happy and wealthy, and to remove the discontent that now existed, and the danger that was likely to arise to property and person, if the present state of things was permitted to remain. It was bad legislation that had produced and kept up monopoly, and it was time to consider whether it was to be attributed to the acts of the House of Commons or not. He thought nothing could be more preposterous in a country professing to be free, than to have two classes—one free, and the other slaves. He had understood we had abolished slavery in our dominions throughout the world, but to this day slavery existed in England to a great extent. He had seen the other day a definition of the terms freedom and slavery, and he referred to it, as in that definition

consisted all his opposition to the present state of things :—

"To be free (said the writer) was to be in a condition to give assent to the laws of the state, either in person or by those representatives in whose election the people had a voice."

And of such freemen, there were not more than 600,000 or 700,000 in this country. Now, what was the definition, as given of slavery. It was ;—

"To be in such a position as to have no will of our own in making the laws by which we are governed, either in person, or by our representatives."

That definition was taken from the *Times* newspaper, at a time when that paper was the best and most strenuous advocate of liberal principles in the country, and when every question of parliamentary and political reform was advocated by that paper. Now, what was the condition of England at this moment? There were between 600,000 and 700,000 freemen, and all the rest were slaves. [*Hear, hear!*] He was glad to see hon. Gentlemen approved of that description, or if they did not he should be glad to hear from them a more appropriate definition. From the result of an analysis of the electoral body of this country—taking every county and borough in the United Kingdom—it appeared that out of the 658 Members of which that House was composed, 347, forming a majority of the whole, were elected by 180,603 individuals. Or, in other words, one-fortieth of the whole male population of this country returned the majority of that House. There was no part of the whole population of the country who suffered more than the miscalled freemen. He thought, also, that his hon. Friend had not been fairly treated by the right hon. Baronet in regard to the Poor-law. There was nothing in the resolution relating to the Poor-law, but an observation had fallen from his hon. Friend that it was unjust to the poor man to carry out the law as it was carried out. The principle of the Poor-law was, that every man, while he could work, should depend upon himself for support, and not upon others, that was the principle upon which he had supported the Poor-law Amendment Bill, and upon which a Poor-law should be maintained ; but the injustice and the hardship was this, that while they declared, that every able-bodied labouring man should depend upon his own labour alone, they placed acts upon the statute-books, that precluded his obtaining employment for that labour ; they limited the demand for labour by those acts which prevented the admission of food from foreign countries. They took from the labourer the means of supporting himself at the same time that they told him he must depend upon himself for support. That was the hardship which, as his hon. Friend had said, the poor man had to complain of, and in that the right hon. Baronet had not dealt fairly with his hon. Friend. As he had supported the Poor-law, he intended that every man should have the fullest opportunity of obtaining a market for his labour, and that he should be supported by his own exertion rather than by charity; and the general desire throughout the country was, that the people should be supported, not by charity, but by labour. Hon. Gentlemen who were the advocates of monopoly satisfied their consciences by instituting numerous charities ; but the people wanted employment for their labour, not charity. They did not want the sop of charity to the extent of one-twentieth part of what was taken from them by the monopoly. The burthen of taxation fell most severely on the poor man. Of the excise and custom duties nearly one-half the whole was paid by the industrious and working classes, and notwithstanding this they placed an additional burthen on them, by taxing their food for the benefit of others. Now, he would ask hon. Gentlemen opposite, who were the advocates of the Corn and other restrictive laws, whether that was acting like Christians—whether that was obeying the divine precept of "do unto others as you would they should do unto you?" He thought the persons who had petitioned the House had a perfect right to complain under such circumstances. The great evil was defective representation. Let the voice of the people be heard in that House, and all other evils would vanish. The right hon. Gentleman had spoken of the difficulty of entering into the proposed inquiry. Why, if there were forty difficulties, might not forty Select Committees be appointed to investigate them?—and if he was told they could not appoint more than four or five, that fact alone was sufficient to show that the House as at present constituted was not competent to discharge its duties. Let

them appoint a separate Committee (if necessary) for every grievance. There were many amongst the Members of the other side who would not willingly deprive the poor man of his right. He regretted to see on the other side of the House, the hon. and gallant Member for Lincoln, who he knew, would not withhold from any man his right—for a more highly honourable man than the gallant colonel, was not in that House—and he would say to him, "do unto others as he would they should do unto him." Let him suppose himself placed at the bottom of the scale, would he not try to slide up? Would he not try to better his condition. Then he ought to be anxious to give the labouring man, who was the strength and sinew of the country, and to the artizan that to which he was entitled. He regretted only one part of the resolution—that was that which declared the House not competent to grant the supplies—but in all the other points the resolution was properly expressed — therefore, though disagreeing with that particular paragraph, yet agreeing with the general tenor of the Motion, he should support his hon. Friend if he went to a division.

Colonel *Sibthorpe*: The hon. Gentleman had said that he regretted to see him (Colonel Sibthorpe) on that side of the House. He had sat in the company of his hon. Friends around him for many years, and he hoped he should remain there a great many years more. With regard to the condition of the country, it had been said by the hon. Gentleman opposite, that wages had been lowered. That was not the case in the county with which he was connected. He had letters from farmers in that county informing him, that the labourers there were fully employed, and that they were perfectly content with every thing but the movements of the Anti-Corn-law League. The labourers in Lincoln were receiving 12*s.* a week, and in some cases, as much as 15*s.* a week. He did not concur in wishing his right hon. Friends out of the administration; he hoped they would long remain there, and, above all, that they would keep out the party opposite, who had, during ten years, endeavoured to govern the country, but with so much success, that they had at length been driven from office by the general voice of the country, with that opprobrium they deserved. He had received a letter from a gentleman whom he characterized as a most honourable and intelligent individual, in which he stated, that "Sir Robert Peel had reason to be proud of his position, from the improved circumstances of the country." As to the Anti-Corn-law League and their poison, he would only say, that the members of that body went round the country like quack doctors, only telling how many they cured, and not caring how many they killed.

The House divided on the question that the words proposed to be left out, stand part of the question. Ayes 130; Noes 22: Majority 108.

List of the Ayes.

Ackers, J.	Gore, M.
A'Court, Capt.	Gore, W. O.
Allix, J. P.	Goulburn, rt. hon. H.
Antrobus, E.	Graham, rt. hn. Sir J.
Arkwright, G.	Granger, T. C.
Astell, W.	Greene, T.
Bailey, J. Jun.	Grimston, Visct.
Baillie, Col.	Hamilton, J. H.
Baird, W.	Hamilton, G. A.
Baring, rt. hon. F. T.	Hamilton, W. J.
Baskerville, T. B. M.	Harcourt, G. G.
Beckett, W.	Hardinge, rt.hn.Sir H.
Bentinck, Lord G.	Henley, J. W.
Berkeley, hon. C.	Hepburn, Sir T. B.
Blakemore, R.	Herbert, hon. S.
Borthwick, P.	Hodgson, R.
Botfield, B.	Hope, hon. C.
Broadley, H.	Hornby, J.
Bruce, Lord E.	Howard, Sir R.
Buckley, E.	Humphrey, Mr. Ald.
Buller, E.	James, Sir W. C.
Chetwode, Sir J.	Jermyn, Earl
Clerk, Sir G.	Jolliffe, Sir W. G. H.
Clive, Visct.	Jones, Capt.
Clive, hon. R. H.	Knatchbull,rt.hn.SirE
Colborne, hon. W. N.	Lawson, A.
Connolly, Col.	Leslie, C. P.
Coote, Sir C. H.	Liddell, hon. H. T.
Corry, rt. hon. H.	Lindsay, H. H.
Cripps, W.	Lockhart, W.
Davies, D. A. S.	Lowther, hon. Col.
Denison, E. B.	Lygon, hon. Gen.
Dickinson, F. H.	Mackenzie, T.
Dodd, G.	Mackenzie. W. F.
Douglas, Sir H.	Maclean, D.
Douglas, Sir C. E.	M'Neill, D.
Drummond, H. H.	McTaggart, Sir J.
Egerton, W. T.	Manners, Lord C. S.
Eliot, Lord	Maule, right hon. Fox
Escott, B.	Meynell, Capt.
Flower, Sir J.	Morgan, O.
Forster, M.	Neville, R.
Fuller, A. E.	Northland, Visct.
Gaskell, J. Milnes	O'Brien, A. S.
Gisborne, T.	Oswald, A.
Gladstone,rt. hn.W.E.	Owen, Sir J.
Godson, R.	Paget, Lord W.
Gordon, hon. Capt.	Peel, rt. hon. Sir R.

Peel, J.	Stuart, H.
Philips, M.	Sutton, hon. H. M.
Plumptre, J. P.	Trelawny, J. S.
Pollock, Sir F.	Trench, Sir F. W.
Praed, W. T.	Trevor, hon. G. R.
Pringle, A.	Trollope, Sir J.
Pulsford, R.	Trotter, J.
Pusey, P.	Turner, E.
Rashleigh, W.	Turnor, C.
Rawdon, Col.	Vesey, hon. T.
Repton, G. W. J.	Warburton, H.
Richards, R.	Wood, Col. T.
Ross, D. R.	Wyndham, Col. C.
Rushbrooke, Col.	Yorke, H. R.
Scarlett, hon. R. C.	Young, J.
Shaw, rt. hon. F.	
Sibthorp, Col.	TELLERS.
Stanley, Lord	Fremantle, Sir T.
Stewart, J.	Baring, H.

List of the NOES.

Barnard, E. G.	Hindley, C.
Blewitt, R. J.	Hume, J.
Bodkin, J. J.	Leader, J T.
Bowring, Dr.	Plumridge, Capt.
Bright, J.	Scholefield, J.
Brotherton, J.	Strickland, Sir G.
Butler, hon. Col.	Wakley, T.
Butler, P. S.	Wallace, R.
Duke, Sir J.	Wawn, J. T
Duncan, G.	
Ellice, E.	TELLERS.
Fielden, J.	Crawford, S.
Gibson, T. M.	Williams, W.

LANDLORD AND TENANT COMMISSION, (IRELAND).] On the main question being again put,

Mr. *Wakley* said, that he had a question to put to the right hon. Baronet, the First Lord of the Treasury, respecting the Landlord and Tenant Commission. It was not his object to enter into any remarks upon the general question of the subject into which the Commission was constituted to inquire, but he wished to put the question of which he had given notice, observing that the House had been on a late occasion somewhat startled on hearing the right hon. Baronet observe, that the Commission was entirely composed of Irish landlords. The other statements made by the right hon. Baronet, were gratifying. The means which he stated had been submitted to the disposal of the Commission for the due accomplishment of their object, as well as what had been stated with reference to the appointment of a secretary, were all gratifying; but he did believe that it was impossible that the Commission could accomplish its object if it consisted merely of proprietors of land in Ireland. The discussion which had lately taken place with respect to the appointment of gentlemen on the railway committee, who were either railway directors or proprietors, had shown clearly, that the sense of the House was against submitting to any investigation carried on by persons themselves interested parties. He did not for a moment mean to deny, that the Gentlemen constituting the Commission were men of the highest character, and most scrupulous honour; he did not so far cast any reproach upon the constitution of the Commission; but if the investigation was to accomplish its object, and if it was to satisfy the public, and particularly the aggrieved party, it should consist of tenants as well as landlords; and he was sure, that in this House, where there were so many farmers' friends, if the matter was put to the vote, the landlords would not vote against adding tenants to the Commission. The complaint was, that the grievances were inflicted by the landlords—there were very few complaints against the tenants. Now, if it was true, that the landlords were the aggressors, he would ask, if it appeared sound in principle that they should select from that class those who were to constitute the Commission? He could not believe that it was proper to adopt such a method, and he hoped that the right hon. Baronet opposite would have no objection to introduce the names of some tenants into the Commission. An Irish Member had remarked to him that he did not know any tenants who were competent to aid in the inquiry. If this were true, it was certainly a most extraordinary fact. For himself, he could not believe the statement; but if it were actually correct there would, he thought, be no difficulty in finding plenty of tenants in this country who would be able and willing to aid in the investigation. Let it be recollected that it was the tenant who was the persecuted party—the oppressed individual—he who expended labour and skill and anxiety—it was upon him that the burden chiefly fell, and the public would not be satisfied with the investigations of the Commission as now constituted. He trusted, that there would be no objection to the adoption of his proposal.

Sir *R. Peel* said, that there was one of the proposals of the hon. Gentleman which he certainly could not adopt—that of placing English tenantry in the Landlord and Tenant Commission for Ireland. If he entertained such a proposal he must as-

sume that he could find no occupying tenants in Ireland capable of taking a part in the inquiry. Now, if he had taken that course, he could anticipate the observations which would have been made upon the proceedings of the Government—the charges which would have been levelled against them of an intention to insult Ireland. He certainly did not agree with the Irish Member alluded to by the hon. Member; but he very much doubted whether, by selecting Irish tenants as members of the Commission, they would be adding much to the benefit of the great body of small tenure holders of the country. The question was, of whom the Commission was composed, and what was the disposition which they had shown? It was not his fault that there were not some names on the Commission of gentlemen who were the greatest ornaments to the peculiar classes to which they belonged. The first person he applied to to be a member of the Commission was Mr. More O'Ferrall. Now, why did he select that hon. Gentleman? Not on account of his great knowledge of the subject, but on account of the sympathy which he had so often manifested with the occupying tenantry. To show how little they had been disposed to mix up with the subject, the question of religious differences, he had also applied to Sir Patrick Bellew to be a member of the Commission. He wished to make the House aware of the *animus* of Government in appointing the Commission, for upon the character of the gentlemen composing it, on the manner in which they had been in the habit of managing their estates, on the estimation in which they were held by, and the sympathy which they had shown to the occupying tenants, would depend the claims to public confidence of the Commission, and not upon the particular classes from which the gentlemen composing it were taken. The commissioners had addressed themselves to the Poor-law guardians in every union throughout Ireland. These guardians were the representatives of the tenants, and the Commission would be disposed to listen fully and attentively to their evidence. The Commission had met with a cordial response from these guardians, and, therefore, the occupying tenants of all classes would have full opportunity of stating their cases to the Commission, while the character of the gentlemen composing it was a sufficient guarantee that their representations would be in every respect attended to. The Commission had to present to the House a report, and also the evidence upon which that report would be founded. They had shown the most anxious desire to make both as comprehensive as possible. If he thought it would add to public confidence in the Commission, he would willingly accede to the proposal of the hon. Gentleman, but he did not believe that such would be the case; and he hoped that the public in general would not be of opinion, that it would be a wise action to alter the constitution of the Commission.

Mr. *Sharman Crawford* wished to state, without casting any imputation upon the Commission, that there was a general feeling in Ireland of dissatisfaction that the Commission was wholly composed of landlords. People would have greater confidence in the decision of the Commission, if some other persons than landlords were members of it. The object of the Commission was to inquire into how the interests of holders of small tenures could be best secured. Now, the larger tenant was competent to take care of himself; and he felt bound to say that there was no description of persons by whom the smaller tenants were more oppressed than by large holders or middle men. Although he was not disposed to acquit the landlord of all blame, by that class of middle men were the small tenants most oppressed; and, therefore, it would not be any protection to the great mass of the small farmers, to place middle men or large holders upon the Commission; but he did contend that it would be desirable that there should be one or two men of high character, who were neither landlords or tenants, but who, without being either, would take an interest in the investigation, and suggest such a course of inquiry as might be most advantageous for the elucidation of the objects of the inquiry.

Disturbances at Roskeen.] Mr. *F. Maule* regretted, that he should delay the House going into committee of Supply, but as this was an occasion on which he might constitutionally bring under notice what he considered an attack upon the liberty of the subject, he would take leave to ask the Lord-Advocate a question as to an unfortunate dispute which had recently occurred in Scotland arising out of the unhappy divisions at present existing in the Church. A

riot had occurred some short time back in a parish called Roskeen. Two individuals were arrested by the civil authorities, but made their escape; some said, they were rescued, others that they escaped through the culpable negligence of the officers. It was necessary to take steps to re-capture them, and the authorities of the place, acting, as he supposed, under some apprehension of a riot, in consequence of those which had taken place elsewhere, provided, in addition to the civil and excise service, a military guard. They arrived at Roskeen on the 3rd of October, the deforcement having taken place on the 26th of September, and the civil authorities, aided by the Excise, arrested six individuals accused of aiding in the escape of the two men first apprehended. He was informed, but he trusted the account was exaggerated, that those six individuals were taken between one and two o'clock in the morning, whilst in their beds, and were carried to a place appropriated as the guard-house for the local residence of the soldiery. That place was intended originally for a bank safe. It contained an outer room with a barred window, and an inner room with a window similarly defended. One might have thought, that the military being in the outer room, the prisoners might have been put in the inner room; but it was stated publicly, and he had not seen it contradicted, that the petty authorities—and he said petty authorities, because he meant to draw a distinction between them and the higher authorities—not content with trying to keep the prisoners in the inner room, put them into the bank safe, the dimensions of which were nine feet eleven inches and a quarter in length, three feet nine inches in breadth, and six feet eleven inches in height, built particularly for the exclusion of air, and for the protection of the bank books from fire. Such was the place into which the civil authorities put six individuals—five men and a boy; and he was told, that they confined them there from two o'clock in the morning, until nine o'clock the same evening — seven hours, with this exception, that one individual was taken so ill about an hour after his confinement, that he absolutely vomited blood, and the cries of the others drawing the attention of those who had charge of the prisoners, they opened the door, and took out that individual, but they re-closed it on the rest, who were kept there until nine o'clock in the morning, when the Lord-lieutenant of the county, who had acted throughout all those unfortunate disturbances with great humanity and firmness, for which all were ready to give him credit, arrived at the spot, and gave the prisoners air. He was further informed, that of those individuals who had so suffered, one upon examination before a magistrate was immediately dismissed as entirely guiltless of all crime, and that the other five were committed to prison to take their trials: that they had been admitted to bail, but up to that moment, in February, this having happened early in October, they were untried, their innocence not proved, nor had the authorities who administered justice in Scotland substantiated their guilt. Whether they were guilty or innocent was, however, of no consequence now; but he wished the learned Lord-Advocate to state to the House, whether the facts were as he had represented them; and if they were, or if they bore even a semblance to them, then, whether he had taken any measures to punish those who could be guilty of so great a crime—for a crime he would term it, under the cloak of the administration of justice, putting persons merely taken up unconvicted, and, therefore, bound to be held innocent, into such a place as that he had described, the horrors of which he would answer for it, were as bad as those of the black-hole of Calcutta. He wished to know further, whether any steps had been taken to bring those five individuals, who were at present on bail, to trial; so that they might have the opportunity of either making out their innocence, or, if guilty, of making some atonement to the laws they had transgressed.

The *Lord-Advocate* had ascertained that five of the individuals alluded to by the right hon. Gentleman were confined in an apartment of very small size for a period nearly, but not exactly, as long as that mentioned by him. On the morning on which they were arrested, they were taken to the guard-house, and the persons who had the custody of them, having been informed that there was danger of an attempt to rescue, and a rescue having been effected a few days previously, they put the prisoners in the place in question, rather than in a room not sufficiently secured. That was done between three and four o'clock in the morning, and the prisoners were liberated between eight and nine; but the door was frequently opened during the morning, and when any of the

prisoners wanted anything, they called for it, and whatever they required was given to them. He stated that, upon the information of some of the prisoners themselves, given in the course of the investigation. They did not then complain of want of air, or of the closeness of the cell. It was not until some time towards the middle of January that any complaint had been made, or that any information had reached him on the subject. The respected Lord-lieutenant of the county was on the spot. The sheriff of the county, who also had conducted himself with the greatest propriety throughout all the proceedings, and the sheriff substitute, were likewise in the village at the time. The prisoners were brought before the sheriff in the course of the day for examination; but, neither to him, nor to any authority, in so far as he (the Lord-Advocate) was aware, did they make any complaint, either then or at any subsequent period. He only learned the circumstances accidentally, by having his attention directed to a statement published in an Edinburgh newspaper, on the eve of certain trials there, connected with the proceedings in Ross-shire, and as soon as his attention was called to it, he made inquiry into the circumstances through the sheriff of the county. It was only within the last few days that he had received a report of that inquiry. He was not able, therefore, to state, that he had conclusively made up his mind as to the course he should adopt with respect to the persons who had charge of those prisoners. That the place in which it was considered necessary to confine the prisoners was so small, was much to be regretted; but as far as he had looked into and considered the report he could not find that there was any intention to oppress them, or to treat them with harshness or unnecessary severity—and he did not see any grounds for taking proceedings against those who were in charge of them. With regard to the proceedings against the persons concerned in the recent violations of the law in Ross-shire, he had to state, that having brought to trial in Edinburgh some persons who were considered most culpable, and having obtained convictions against some of those who had committed the greatest violation of the law, he thought he should be justified in dealing with the others in a milder manner, and he resolved, therefore, that such as were put upon their trial should not be put to greater expense or inconvenience than was necessary in their defence, and that instead of being tried in the superior court they should be tried in one where the expense would be less, and the punishment consequent on conviction would probably be more lenient. He was still in hope, that in regard to many, no prosecutions would be necessary.

The Civil List.] Mr. *Blewitt* said, he wished to correct an unfair statement which had been made out of doors, as to the question he had put to the right hon. Baronet at the head of the Government respecting a deficiency in the Civil List. It had been stated in one of the morning journals that it was an unfair intrusion upon the Queen's private affairs. It had been stated as if he had believed the report, and had meant to prejudice Her Majesty in the estimation of the public. He most conscientiously declared, as a most loyal subject of Her Majesty, that that was not his feeling. There was not a Member of that House who was not aware of such a rumour being in circulation, and some might have believed it. Now, if he had been the humble instrument of putting an end to that report and of restoring Her Majesty to that popularity—[*The rest of the sentence was drowned in the laughter of the House.*] He had not the slightest intention of bringing Her Majesty into discredit in any way, and when such unfair observations were made out of doors, he ought to have been allowed an opportunity of correcting them.

The House then went into committee *pro formâ*. Resumed and adjourned at half past ten o'clock.

HOUSE OF COMMONS,

Wednesday, February 7, 1844.

Minutes.] Petitions Presented. By Mr. A. S. O'Brien, from Duddingston, against Repeal of Corn-laws.—By Mr. V. Smith, from Northampton, and Stoney Stratford, respecting Window Tax on Licensed Victuallers.—From Coupar Angus, for Withholding the Supplies.

Education.] Mr. *Wyse*, before the House proceeded to the Order of the Day, wished to ask the right hon. Baronet the Secretary for the Home Department, a question, of which he had given him notice yesterday. The right hon. Baronet having, in the present and preceding Sessions, admitted that there unhappily existed much immorality and much crime, arising from gross ignorance in this country; that this ignorance could only be eradicated by an

effective system of education; and that it was the duty of Government to see that such education was provided; but having yesterday declared, on introducing the Factory Bill, that it was not his intention to introduce any other educational clauses in the proposed measure but what were necessary to confirm the existing law, nor any separate measure for general education, he begged to ask whether it was the intention of Her Majesty's Government, under such circumstances, by increased pecuniary grants, or new regulations, to give greater efficiency and extension to the operations of the present committee of the Privy Council on Education?

Sir *James Graham* said, that he was now prepared to answer the question of the right hon. Gentleman. With respect to the amount of the grant voted in the estimates to be placed at the disposal of the committee of the Privy Council on Education, no decision had yet been taken by the Government. As for new orders or regulations by the committee of the Privy Council, for the purpose of giving greater extension or efficiency to their operations, he was enabled to state that some fresh orders in council had been adopted, which he should be happy to lay on the Table if the hon. Gentleman wished it, and would move for their production.—Subject at an end.

House adjourned at a quarter to five o'clock.

HOUSE OF LORDS,

Monday, February 8, 1844.

MINUTES.] BILLS. *Public.*—2ª. Gaming Actions Discontinuance; Teachers of Schools (Ireland).
Private.—1ª. Sang's Naturalization.

PENALTIES FOR GAMING.) Lord *Brougham*, in the absence of the Duke of Richmond, moved their Lordships to give a second reading to "A Bill to discontinue certain Actions under the provisions of several statutes for the prevention of excessive Gaming, and to prevent for the future the bringing of such Actions." The noble and learned Lord stated, that the Bill came recommended by the Select Committee appointed by their Lordships on his noble Friend's motion. It had been rendered necessary in consequence of a number of *qui tam* actions which had been brought by certain parties, out of spite, because they had been excluded from associating with the respectable gentlemen who had formed themselves into clubs, where arrangements were made for carrying on horse-races. The Legislature had passed several acts for the purpose of preventing gambling, with reference to certain games therein enumerated; and the judges had held that the provisions of those acts extended to horse-racing, although it was not specifically mentioned. By those acts it was provided that *qui tam* actions might be brought for the recovery of penalties against those by whom they were infringed. Taking advantage of the state of this law, a number of actions had, some time since, been entered, by disreputable individuals, who were not themselves actuated by any hatred of gaming—who were, in fact, confirmed gamblers themselves—but whose sole and only object was to extort money by the agency of the law. And against whom were those actions directed? Against men of the highest rank and the most respectable character in this country. Those noblemen and gentlemen encouraged the breeding of horses, and, as a part of the system, encouraged horse-races. Many of them never betted at all. The persons who brought these actions were of a very different description. They were themselves inveterate gamblers, but, in betting with them, there was no reciprocity; for they always received when they won, but refused to pay when they lost. Steps had been taken to exclude such characters from Doncaster, Goodwood, which was was one of the best conducted, and most celebrated courses in the kingdom—and other race-grounds. The consequence was, that the individuals thus properly treated, out of mere spite, commenced these actions. He understood that upwards of thirty writs had been issued, involving penalties amounting to nearly half a million of money. A noble Friend of his was sued for 68,000*l.*, another noble Lord, also a friend of his, for 102,000*l.*, and an hon. Gentleman, a county Member, with whom he had not the honour of being acquainted, for 120,000*l.* The present Bill was introduced for the purpose of putting a stop to these proceedings. As regarded horse-racing itself, it had been viewed by the law as a great benefit to the country, by encouraging the breed of horses, and royal plates had been given by the Sovereigns for upwards of two centuries with that view. The breed of horses in this country, it was admitted, was the best in Europe. His noble Friend

(the Duke of Richmond), who was so great a patron of the turf, never betted himself. No man was more opposed than himself to gambling, and, as the laws relating to gaming were now under the consideration of a committee, he did hope and trust that that committee would recommend an efficient measure on the subject—neither too lax, on the one hand, nor too strict, on the other. It was intended by this Bill to enable parties to make application before a judge at chambers for a *stet processus* on payment of costs out of pocket to the parties suing; and it was his intention, on the third reading, to introduce a clause to suspend all future actions for three or four months, until the committee had made their report and a general measure was introduced on the subject. If this were not done, the moment the present writs were ended, new actions would be commenced.

Lord *Campbell* expressed his approbation of the Bill, which went to put an end to actions, which, he was assured, were commenced either for purposes of extortion, or to avenge themselves for some supposed wrong. The construction given to the law, by the judges, was, although censured by his noble and learned Friend, in his opinion, perfectly correct. The Act against gambling, after mentioning certain games, contained the words "or any other game or games whatever." Now, horse-racing was a game, chariot-racing was a game—it was one of the ancient Olympic games. He admitted that the common informer was a pestilent character; but the law had always given them the penalty on conviction, together with the costs of action. To deprive them now of what the Legislature had always awarded them—the Legislature by their acts having called them into existence—would be unadvisable.

The Bishop of *London* did not mean to oppose the second reading of this Bill. The noble and learned Lord who proposed the second reading, had removed some of the doubts which he entertained respecting it. He apprehended that the third clause would only extend to such a time as was required to enable the House to give a due consideration to the subject. [Lord *Brougham*. — Nothing more.] He was unfriendly to the employment of common informers, if it could be avoided. It was similar, in principle, to admitting the *particeps criminis* to give evidence against his confederates. The whole proceeding in this case did not appear to him to be wholly unobjectionable. It partook of the nature of modifying the existing laws on behalf of the rich, at the expence of the poor. If debts and responsibilities were incurred by poor persons which they were unable or unwilling to pay, the Legislature would not interfere to relieve them from their liabilities. Unless they made the general law stringent against gaming, he thought the present Bill might be considered as rather favourable to it then otherwise. He could not approve of any measure that tended to encourage betting, especially among the poor. They might easier leave the rich to take care of their own property, but they ought to interfere to protect the poor: the beer houses which had been of late years opened, had led to a great increase of betting among the poor, and any thing which further encouraged it, would be productive of renewed evil.

Lord *Brougham* agreed, that they ought not to have even the appearance of favouring the rich, though gambling had much more fatal consequences, and was far more injurious to morals among the inferior classes than among the superior classes. There was also an evil in putting the law in force by means of a common informer. It was a great anomaly, but the law having trusted to the *popularis actio*, and confided to common informers the working of different acts, he thought it ought not now to deprive these men of their costs out of pocket, and the penalty also. But were they to go on for ever on this most barbarous system, with no one to watch over and enforce the laws, no public prosecutor, the enforcing of acts being given either to the worst possible characters, or to the offended and aggrieved parties? Why was there not in England a public prosecutor—their brethren in Scotland had such an officer. If the party accused were rich, he might, in consequence of the want of a public prosecutor, buy off the evidence and thus escape punishment. This could not be done if a public prosecutor had the management of the business. At present such a thing as buying off a prosecutor might easily happen. He knew of a case where a man was committed for forgery for 5,000*l.*, his friends were rich, and bought off the prosecutor, who on the trial was not forthcoming, and the man escaped

punishment, forgery being at that time a capital crime. Had there been a public prosecutor this could not have happened. He would not abolish the grand jury, he would give the defendant the benefit of that tribunal, but if there were a public prosecutor, who was a really responsible person, the mischief would be stopped. He had seen grand juries commit the most atrocious injustice from party and sectarian motives. He once saw a most respectable person, worth 20,000*l.* a year, stand in the dock to take his trial for murder, because he happened to be of a sect not very palatable to the grand jury. The murder consisted in this—not that he, but that his bailiff had neglected to place a lamp over a rope across a road which was undergoing repair, by which neglect an old woman had unfortunately lost her life. He should never forget the indignation of the Chief Baron Wood. He sent for the grand jury; they were gone—he declared that the charge of murder was scandalous, and the party was of course acquitted. A public prosecutor would not have dared to forward such a charge. This was an instance of the system that he deprecated, of committing the execution of the laws to the irresponsible conduct of private individuals.

The Bishop of *Exeter* felt it a painful duty to express sentiments at variance, not only with the speech of the noble and learned Lord, but with the unanimous opinion of the committee. He would not enter into a discussion as to the propriety of the law which gave the penalties to informers, but it appeared to him, that the law of the land had given vested interests to persons who should inform, and it should not be without the gravest reason, that the Legislature ought to consent to deprive them of the penalty. The statute invited informers by name. He would not discuss the question, whether horse-racing was a thing, which *per se*, he would rejoice to see continued, but when he recollected the horrors and tremendous evils which did attend, and which must necessarily attend, horse-races in the present state of society in England, he hoped it would be long before it was sanctioned, and before the Legislature should throw over it the mantle of its protection. The noble and learned Lord said, that these actions were brought to spite the noble Duke for his excellent arrangements and conduct. The character of the noble Duke, in all parts of his intercourse with his people, as far as he had ever heard, was most honourable, and this was not the least honourable portion of it; Again, it was said, that the noble Duke in bringing in this bill was not actuated by any personal feeling, for he himself did not bet at all. Why, this proved that betting was not necessary to the manly sport of horse-racing. The noble Duke enjoyed it without the additional excitement of betting. How then could Parliament be called upon to protect betting as being necessary to this manly sport, as the bill calls it. It had been said, that Her Majesty and the Sovereigns of this country, for two centuries had contributed to the sport of horse-racing by granting King and Queen's plates; but let them bear in mind, that though Charles 2nd had shown a great disposition to encourage the manly exercise of horse-racing, and had first given plates; that in this very reign a statute was passed, to put down horse-racing?—no; to prevent betting?—no; but to prevent excessive betting. If the loss did not, under one act, exceed 100*l.* and under the other, 10*l.*, the informer could not bring an action. It was only excessive gambling that the law restrained. What was the great plea for this bill? That this was an outrageous case, that in these cases, the penalties sought to be recovered amounted to 500,000*l.*, and, that three individuals were charged to such an amount, that the penalties nearly reached the sum of 300,000*l.* Now he would ask the most ardent pursuer of horse-racing in their Lordships' House, whether this was not excessive gaming? The loss of 120,000*l.* was made the ground for setting aside a statute, the very object of which was to check excessive betting. A common informer did not set himself up as a *censor morum*, he meant to pocket by his information; and it was because the Legislature believed there were men base enough to avail themselves of the vices of others to enrich themselves, that it gave the power to them to enforce the law. If they chose to say, that all common informers were bad, let them say it; but they should recollect, that the law gave the right of action to those persons; and this, in his opinion, was a strong reason why they should hesitate in passing this bill to the full extent. It was said, that this was not the first case in which such bills had been passed. They recollected, that penalties incurred by non-resident clergymen had been stopped from exaction. A person

who had been employed by several bishops, availed himself of his opportunities of knowledge, to lay informations against several clergymen, who being resident in one living, were not resident at other livings in their possession. Persons resident in one living, and non-resident in another, were bound by statute, to deliver in a positive specification of the ground of exemption within six weeks of the year commencing, and the clergyman had omitted to send in the specification. The parties were not non-resident, and had not committed any offence against the spirit of the act. Therefore the Legislature gave them relief from the action that was brought against them, because they had not offended against the spirit of the law, which was to prevent non-residence; and the relief given to them was coupled with the condition that each should be allowed a certain time to put up a notification of his cause of absence, and that if such notification were not well founded, then that the actions should proceed. Thus the Legislature, in 1814, in that case which was known as "Wright's case," stepped in to protect the clergy, and uphold the real object of the law. It did not support the principle of non-residence. That was a precedent for their Lordships to follow, and it was for their Lordships to consider whether the parties who came for relief in the present case, had offended or not against the principle of the law which it was now sought to repeal. The precedent of 1814, in Wright's case, was well considered and in that case, the Legislature did take care to protect the principle and policy of the law. The object of the law now proposed to be set aside, was to prevent excessive gaming? He would not argue the question further. Were the parties who now prayed for relief within the spirit and policy of the statute for preventing excessive gaming? He had intended dividing against the second reading of the bill, but when he was told of the high authority of the Chief Justice, and that it was in accordance with the opinion of the committee, and that probably he would be without support, except from his right reverend Friends near him, he would only say "not content."

Lord *Brougham* said, that in these actions all the bets that a man might have made on either side on any occasion were collected together, and this was what gave rise to the large amount of penalties which were sued for against single individuals.

Lord *Campbell* believed no action of this kind had been brought on this statute for fifty years. According to the law of some countries, as of Scotland for example, this desuetude of the law would be tantamount to its repeal. In this country, however, it could be revived for vexatious and oppressive purposes. When the object was to put the law in force for such purposes, and not to carry out the just intents of the law, he thought the Legislature ought to interpose to stop those actions. He contended that the Legislature, having only given the power of recovering these penalties by an action of debt, could not be said to have contracted with these common informers, or conferred upon them any right such as they would have had if goods had been sold or money lent, or any such species of contract entered into.

The Bishop of *Exeter* said, that he was indebted to the noble and learned Lord on the Woolsack for this argument of the vested interests of the informers. The noble and learned Lord had used it when an advocate at the Bar of their Lordships' House in "Wright's case," and it had been taken up by a noble Earl opposite (the Earl of Radnor), and by the noble Marquess (the Marquess of Lansdowne), and by others of their Lordships, and by Mr. Wynn in the other House.

Bill read a second time.

Adjourned.

HOUSE OF COMMONS,

Thursday, February 8, 1844.

MINUTES.] PETITIONS PRESENTED. From Dean and Chapter of Chichester, against Union of Sees of St. Asaph and Bangor.—By Mr. T. Duncombe, from St. Giles's-in-the-Fields, and St. George's, Bloomsbury, respecting Metropolitan Improvements.—By the same, and Mr. Wallace, from Shaftesbury, Pollockshaws, and Paisley, for Stopping the Supplies. — By Mr. Packington, from Ludlow, against Window Tax on Licensed Victuallers. — From Cripplegate Within, against Tolls on Metropolitan Bridges.—By the Attorney-General, from Huntingdon Wesleyan Preachers, for Exemption from Sunday Tolls.—By Mr. W. Patten, from Preston, for Reduction of Duty on Tea.

THE AMEERS OF SCINDE.] Lord *Ashley* rose, and said it would have been more agreeable to himself, and not a little so to the House, if the subject he was about to introduce had been brought forward by some Member of greater importance. He had waited until the close of last Session before he gave a notice, partly to see whether any other Member would undertake the office, and partly in expec-

tation of the arrival of certain appeals from the imprisoned Ameers to Her Majesty in council. These appeals had not arrived, but why they had not arrived no one could say. It might be that their possessions being confiscated, they had not the means to forward or to prosecute them; it might be that it was out of their power to do anything in their own behalf, on account of the rigorous imprisonment to which they were subjected. But whatever was the cause, it was most fitting and necessary that justice should be done to those unfortunate princes, and the national honour of the country vindicated. Now, having felt most deeply that the question should be entrusted to other and abler hands, he had, since he gave a notice on the subject last Session, determined altogether to abandon it, not from any want of confidence in the merits of the case, but on account of his own incapacity to do justice to it. But when there appeared in the columns of the *Morning Chronicle*, that important paper—a letter bearing the signature of Sir Henry Pottinger — and such a letter from such a man—he did feel that it was his duty no longer to shrink from the task of bringing the subject before that House. In this remarkable letter from Sir Henry Pottinger, which appeared in the *Morning Chronicle* of January 8th, 1844, Sir Henry says,

"I lamented over the fallen state of my old friends the Ameers, of whose case I have all along said, and ever shall say, under all circumstances, and in all society and places where I may hear it alluded to, it is the most unprincipled and disgraceful that has ever stamped the annals of our empire in India. No explanation or reasoning can, in my opinion, remove the foul stain it has left on our faith and honour; and as I know more than any other man living of previous events and measures connected with that devoted country, I feel that I have a full right to exercise my judgment, and express my sentiments on the subject. You cannot use too strong language in expressing my disgust and sorrow."

That was true, to the very letter. These unhappy princes have strong claims; and he asked, in their name, what he would not ask in his own, that the House would be kind enough to give him a patient and even a favourable hearing. With the permission of the House, he would now proceed to state the history of our connection with that country, and the claims which these princes put forth to the consideration and sympathy of the British Parliament. These princes, whose case he was now bringing before the House, are—that is to say, were *dum regna manebant*—a fraternity of crowned heads, each having a separate and independent principality, but ruling conjointly and federally under the style and title of the Ameers of Scinde; they acquired their country by conquest, and ruled over a people of different language and religion from themselves; but if that was to be used as an argument against the Ameers of Scinde, as he perceived it was used in one of the minutes of the Governor-general, that argument would recoil with tenfold force upon ourselves. Why, what were the English in India? If they allowed this to weigh a single instant on their minds as an argument for the course of proceeding against these fallen princes, it would be retorted with tenfold vigour upon ourselves. The Ameers had been recognised as the governors of Scinde by several successive Viceroys of India, who endeavoured to institute friendly relations with the Ameers, and endeavoured to prove to them that nothing but benefits could accrue to them from an extended intercourse with the British Empire. From 1758 to 1809 the East India Company passed through every variety of favour and disfavour, of suspicion and fear, of confidence and jealousy; but at last in 1809 a Treaty was made between the East India Company and the Ameers. It was the first document in the blue book, and contained this passage.

"Art. 1. There shall be eternal friendship between the British Government and that of Scinde. Art. 2. Enmity shall never more appear between the two states."

The same thing was declared in a new treaty in 1820, by which the relations of the former treaty were expressed in still stronger terms. In the year 1832 the relations between the East India Company and the state of Khyrpore were greatly strengthened. The second article of the treaty set forth that the two contracting parties mutually bind themselves, from generation to generation, never to look with the eye of covetousness on the possessions of each other. The same article was repeated in the treaty with the Ameers of Hyderabad. The Ameers asserted that they had faithfully observed the conditions and spirit of the treaty. Those who espoused the cause of the Ameers said, that the British Government had completely

violated the treaty. To form some estimate of the character of the two parties it would be well to refer to history. They would find by a book lately published by a most intelligent author, that the demeanour of the Ameers towards the other states was most peaceable. Could the same be said of us? Now the primary object of our efforts in that part of India was to obtain the free and unrestricted navigation of the Indus. Scruple after scruple was overcome in the minds of the Ameers, who acquiesced in each request made to them for our political advantage. In the year 1832 we obtained the partial navigation of the Indus, and, in 1834, the Ameers made further concessions to meet our views. In the second article of the treaty of 1838, it was conceded that a British Minister should reside at Hyderabad, with liberty to change his residence as he thought expedient. From this time up to 1840, there was a spirit of suspicion, of fear, of alarm, and of everything likely to excite distrust on both sides. We then called upon the Ameers to perform parts of the treaties which we ourselves had violated. In 1840 a rebellion broke out at Gwalior; large bodies of troops were then sent through the country of the Ameers, and if they had been at all hostile to us, it would have been of the most alarming consequence to the British Government in India. They would find in the accounts of Captain Postans, who was at the time a resident in Scinde, that the Ameers gave to the British Government the most cordial co-operation in India. But what said Captain Postans, as to the Ameers making aggressions on our forces at that time? That officer, in his observations on Scinde, says,

"Had the conduct of these chiefs been otherwise, our interest would have suffered severely, but in justice to them, it must be recorded, that they fully made up on this occasion for their former hollow professions and want of faith by a cordial co-operation."

Now, as to the importance of their aid under the circumstances, they had the most unequivocal testimony of Sir John Kean, relative to his march in the former year. In a letter of that gallant general to the Governor-general, he says,—

"We could never think of advancing leaving Scinde behind us in a state of hostility, or even doubt upon that score."

After this, the difficulties of the British Government in India increased; but as these difficulties increased, there was no disposition manifested by the Ameers to diminish their friendship or assistance. Captain Postans on this point says,—

"At a time when affairs at Candahar and Cabul assumed so fearful an aspect as to direct attention to those quarters, the chiefs were left as usual in full possession of all their rights, and beyond the usual delays in the payment of the subsidy, there was no ostensible reason to complain of their conduct at a period, it should be remembered, when, if they had shown hostile feelings, they were sufficiently powerful to do us material injury, if not to have crushed the few troops, which the urgent calls for forces above the passes permitted us to keep in Scinde. Yet, beyond the usual petty intrigues which are essential elements of eastern courts, it is not yet publicly announced that the Ameers of Scinde flew from their engagements, at a time, moreover, when all India was anxiously looked to as likely to catch the spark of rebellion, and strike a blow when it was thought we were too weak to ward it off."

But we had still further testimony on this point from this experienced officer. He says,—

"The fearful catastrophe of Cabul at length arrived. Up to 1842, the affairs of Scinde continued in precisely the same peaceable demeanour as before, every necessary precaution being taken by the political subordinates to whom the duty was entrusted of removing any existing cause, as much as possible, at a distance from a firmly bigoted Mahomedan people, who would soon have been incited to make the Affghan cause a common one for their faith alone, to which there can be no doubt they were strongly tempted by every argument used on such occasions by the disaffected, and which to resist, amounts to apostacy from the true faith."

Let hon. Gentlemen observe the delicacy of our treatment of the Ameers, and the forbearance that we showed when we feared their enmity, and needed their friendship, and let them observe the precautions that were taken not to offend in any way this

"Fiercely bigoted Mahomedan people, who would soon have been incited to make the Affghan cause a common one for their faith."

The manner in which the Ameers then acted was strongly indicative of their good faith, and of their honest intentions towards the British empire. There could be no doubt, that they were then strongly tempted by every argument that could be used on such occasions by the disaffected, the resistance to which arguments was looked upon as almost an equivalent to

an act of apostacy by this bigoted Mahomedan people. In spite of all this, they withstood all temptation, and remained true in the hour of danger to the British Government. But he might add, that the Governor-general was fully aware of this, and bore testimony to their good faith, for he found that in a letter from the Secretary of the Government, dated November 2, 1840, to Major Outram, then resident in Scinde, that officer was directed to make personal acknowledgments to the Ameers for their conduct. The letter stated

"I am directed to acknowledge the receipt of your dispatch of the 5th ult., reporting the progress of troops to Upper Scinde, and furnishing extracts from private letters, showing the conduct of the Ameers' officers and demeanour of the people as most civil; and, in reply, to request that you will be good enough to convey to their Highnesses the expression of the high satisfaction of his Lordship in Council at the conduct of their officers in facilitating the movement of the 6th regiment, and the civility and attention shown by them to the officers and men."

The Governor-general also, in a dispatch to the secret committee, dated November 16, 1840, bears similar testimony. He writes—

"It will be seen by Major Outram's dispatch, that the conduct of the Hyderabad Ameer's officers towards our troops through Lower to Upper Scinde, was most friendly."

Now approached the catastrophe of their case. Circumstances, perhaps the most innocent of their lives, were distorted to their ruin. On January 24, 1842, the secretary of the government, by command of the Governor-general, writes to the resident as follows:—

"I am directed to request that you will communicate to the Ameers the satisfaction with which the Governor-general in council has received this additional proof of their friendly disposition, and of the liberal policy with which their administration is conducted."

On the 6th of May following, Lord Ellenborough wrote to Major Outram:—

"The Governor-general is led to think that you may have seen reason to doubt the fidelity of some one or more of the Ameers of Scinde."

Now, he begged the House to mark this singular passage—

"Led to think that you may have some reason to doubt the fidelity of one or more of the Ameers of Scinde."

On this single statement, he founds his proceedings against the Ameers. On May 22, the Governor-general sent a letter, in which he stated his final determination to Major Outram, and the conditions which he required. Let any one regard this letter, and he would ask whether the conditions were not most harsh and dishonourable to the Ameers? But little time was allowed for deliberation. The negotiations, if such they could be called, were to be expedited by the presence of an invading army. Violence naturally begat violence, and distrust and dismay everywhere prevailed. The Beloochees were aroused to arms, and the Ameers were unable to control them. The first attack was on the residency, and no doubt this was a base and a vile act; but what room for surprise was there at this event? The battle of Meeanee followed, and the Ameers were defeated and imprisoned. Thus these famous treaties, which commenced by declaring that enmity should never ensue, and friendship never be at an end between the two Powers, were wound up by the imprisonment of the Ameers; and the solemn promise never to look with the eyes of covetousness on their dominions, issued in the conquest and annexation of their territory. This was the case which the Ameers themselves would probably state. But then they were charged with treachery. No doubt they were; as a matter of course, those who undertook to bring such a charge against these Ameers would be prepared with specious pretences to show some sort of reason for the outrage and assault they had perpetrated. But where was the proof of this treachery? Over and over again he called for proofs of this alleged treachery, which was to justify what had been done. No doubt there was abundant intrigue—no doubt the greatest distrust and alarm prevailed, and the greatest desire to get rid of the British from their territory. But was there no cause for this? Was there not ample cause for all this distrust and alarm, and also for the policy which the Ameers had been compelled to pursue? He would pass over all the irritating acts—all the violence of language which had occurred on both sides, and would come to the simple fact, what could be alleged against the Ameers? what act of treachery or dishonour on their parts as an argument for their destruction and imprisonment?

In July, 1838, the Governor-general being determined to carry on a system of operations against Affghanistan, was desirous of putting the Scindian affairs into such a position as would be most favourable for his ambitious projects, and he directed a letter to be sent to the resident to this effect: that

"The Governor-general is averse from contemplating a refusal on the part of the Ameers to enter into such a composition with his Majesty as to the British Government may seem just and reasonable."

But this was not all; he goes on to say,—

"In case of refusal, temporary occupation shall be taken of Shikarpore, and of as much of the country adjacent as may be required."

It does not end it. Still more was demanded. He adds,—

"While the present exigency lasts, you may apprise the Ameers that the article of the Treaty with them, prohibitory of using the Indus for the conveyance of military stores, must necessarily be suspended."

But was their consent asked? Was this the way to treat with an independent power? Was it strange that we were hated and distrusted? At this time there was nothing charged against the Ameers; no doubt, however, they were subsequently involved in intrigues with the court of Persia. He did not defend the policy of the Ameers, but what he wanted to know was, whether our conduct had been so open and honest, whether our performance of solemn treaties had been so manifestly scrupulous, as to forbid the Ameers to resort to those means of defence which the weaker party always resort to? The interval was filled up with charges, recriminations, and suspicions, but without any overt acts on either side. In November, 1838, there occurred a demand on the Ameers of far greater importance than any of the preceding. In November, 1838, the Governor-general first expressed a desire to enter Bukkur, and to occupy the fortress. The value of this fortress was immense, and it was of extreme importance to all parties—to those who got it, and to those who lost it. Sir Henry Pottinger said of it—

"The ferry at Bukkur is, I am told, the best between the sea and Mithen-kole. It has been from time immemorial the great thoroughfare between Khorassan and India. Your demand for the temporary occupation of the fortress of Bukkur will put Meer Roostrum Khan's friendship to the test."

Sir H. Pottinger told the Governor-general, that the demand for the fort would put the old man's friendship to the test. Let the House, therefore, bear in mind what return that good old man received. The same subject was referred to by Sir A. Burnes, in a letter, dated December 17th, 1838. He writes—

"I am negociating for the fortress of Bukkur, and I think I have nailed it; if not, we must just take it."

He prayed the House to attend to those words, because they would serve to show the spirit which pervaded our conduct in all our negociations with the Ameers. Sir A. Burnes said, if we could not get the fortress by negociation, "we must just take it." This was the way we dealt with the independent Ameers; and this was the conduct which suggested to them the necessity for resorting to intrigue. But there was yet more, for on the 25th of December, Sir A. Burnes wrote—

"It is with the highest satisfaction, that I inform the Governor-general, that the fortress of Bukkur has been ceded to the British Government on the terms proposed."

He asked the House to listen attentively to the next proposition, for on this the case of the Ameers was placed. See the pangs it cost the Ameers—

"The consternation caused by this public declaration was very great. The Ameer said it was the heart of his country—his honour was centered in keeping it—his family and children would have no confidence if it were given up. Meer Roostrum Khan was now attacked by his relatives, and Moobaruck Khan urged him strongly to resist us; but the worthy old man addressed to me the annexed most feeling letter."

He would just give one more extract, because it exhibited in a still stronger manner the great concession made by this old man. On the 28th December, Sir A. Burnes wrote—

"When I visited Roostrum Khan I found him with his younger brother. The Ameer stated at full length his declarations of devotion. He said, that in giving up Bukkur to the British, he had to encounter great disgrace; that his tribe and family were alike opposed to it; but that he was an old man, with but a few years to live, and that it was to save his children and his tribe from ruin, that he had years ago resolved on allying himself to us; that he was henceforward the submissive and obedient servant of the British."

In December, 1839, the Governor-general, Lord Auckland, prompted by a fine sentiment of honour, and feeling that the Government was bound by solemn treaties, and being willing to compensate the Ameers for the unjust violation of those treaties, recorded his opinion in a minute, the terms of which he highly approved—

"Sir James Carnac has recommended the permanent retention of Bukkur in our hands; but, it will be remembered, that we are under special engagement to restore Bukkur to the Khypore Ameers, and that we have no absolute right, under treaty, to station our troops within the Khypore limits."

This was the statement of the Governor-general, and was highly honourable to the policy by which he was guided. Well, this being the case, let them imagine the dismay and desperation with which the Ameers received the announcement on our part, after so long a period of confidential intercourse, and after such great assistance as they had rendered to the British Government, after the confidence which Roostrum Khan had placed in the British, the disgust and dismay may be imagined which was felt when the following *verbosa et grandis epistola* was received by Major Outram, written by the Governor-general's Secretary:—

"May 22, 1842.

"The Governor-general (Lord Ellenborough) directs me to inform you that the Governor-general contemplates the continued occupation of Kurachee. His Lordship likewise contemplates the continued occupation of the island of Bukkur.

Now, after this, he did ask the House whether any amount of distrust—whether any effort for self-defence on the part of the Ameers, was not perfectly justifiable; and whether they were not warranted in defending those rights which had been so unscrupulously invaded? He had stated enough to prove the case. Recollect that the Ameers of Scinde had never been charged at this time with acts of treachery, cruelty, or outrage sufficient to justify their expulsion from the throne of Scinde. He would refer to other papers to show that alarm and despondency were entertained by Meer Roostrum Khan, in consequence of the course about to be pursued against him. In June, 1842, the Secretary to the Governor-general wrote to the political resident at Scinde, saying,

"The Governor-general has learned with regret, but without surprise, your opinion of the infidelity of Meer Roostrum Khan. The Governor-general wishes to be informed whether the territories under Meer Roostrum Khan be in such a position as to make it easy to annex a portion thereof to the dominions of the Khan of Bhawulpore whose dominions his Lordship is desirous of increasing in reward for his own uniform fidelity and that of his ancestors."

This letter, it would be perceived, was written for the purpose of asking the resident at Scinde, whether it was not easy to cut off a large slice of the hereditary dominions of Meer Roostrum Khan, for the purpose of annexation to the territories of the Khan of Bhawulpore. Would any hon. Gentleman, who did not approve of the term hereditary dominion, deny that the territories in the possession of the Ameer were not as much his dominions and as much his possessions as Calcutta was a possession of ours? Was it not probable that Meer Roostrum foresaw all that was to occur, and knowing these things, was it not likely and reasonable that he should do all in his power to save his territories? He would go a little further. Sir Charles Napier was spoken of as to all intents and purposes the agent of the Government. This was proved by a declaration of the Governor-general at the end of his note, that he had acted under his instructions during the last three months. Sir Charles Napier, in October, 1842, says—

"I maintain that we only want a fair pretext to coerce the Ameers."

Could it be supposed that the Ameers were entirely ignorant of these designs, sitting in a fool's paradise, and believing that their interests were the sole objects of British diplomacy? In the final Treaty of Nov. 4th the provisions were still worse. What time was given to the Ameers for deliberation? Forces were assembled at Sukkur, which caused the greatest dismay; at the same time proof was afforded that the Ameers had not even sent out emissaries to collect their troops. The Governor-general, on the 14th November, wrote thus:—

"I adhere to my original intention with respect to the Ameers. If any one of them commits an overt act of hostility, his possessions shall be altogether confiscated, and he shall depend upon the charity of his own family for his future subsistence."

On the 20th December, a charge was made that the Ameers had collected troops,

and it was natural, under all circumstances, that they should collect them. But what was the fact? The greatest alarm prevailed; this terror increased, and Meer Roostum Khan fled with his family to the desert. On the 27th November, Sir C. Napier wrote to the Governor-general thus:—

"I made up my mind that although war has not been declared (nor is it necessary to declare it), I would at once march upon Emaun Ghur.

This was carried into effect, and the Ameer was pursued, the fort was destroyed, and the property taken, and after all it appeared that the Ameer meditated neither fraud nor violence; for on the 7th of January, he wrote—

"We yesterday came so close upon the traces of Meer Roostum, that, hearing that Major Outram was with me, he sent a message to him, to say, he was perfectly submissive. Major Outram asked my leave to go to him, as we were both convinced, that Ali Moorad had frightened him; the old man had been persuaded by Ali Moorad, that I meant to imprison him for life."

So much, then, for the alleged opposition of the Ameers. The Ameers of Hyderabad experienced no greater forbearance. Sir C. Napier wrote a despatch addressed to the Governor-general and bearing date the 22nd of January, advising him that he was proceeding on the high road to Hyderabad, and, that he apprehended such a movement on the part of the army would give vigour to the negotiation then carrying on, should there be an inclination on the part of the Ameers to procrastinate the negotiation.

"If this should fail, and the treaty flag (the writer continued) I shall proceed upon Hyderabad."

Under these alarming circumstances, he would ask a British House of Commons, could the Ameers help being frightened? The Ameers did all they could to prevent, however, the consequences of the alarm which seized the Beloochees and the populace, but in vain. The attack was made, as all knew, upon the residency and upon the person of the British resident. Major Outram had been before made aware, by the Ameers, that the Beloochees were flocking into the town in consequence of Sir Charles Napier and the British forces having passed the frontiers. In page 556 of the correspondence, the House would find this detailed, and also, that the Ameers did all in their power to stop their entrance or to disperse them. This stage of these exciting proceedings at Hyderabad, naturally brought him to a document the most extraordinary and important of them all. It purported to be Major Outram's notes of a conference held between him and the Ameers during the negotiations, dated the 8th of February, and following day, and, of course, antecedent to the battle of Meeanee; a document the more important in consequence of its having been seen and commented upon by the Governor-general and Sir C. Napier, neither of whom touched the material points, although the Governor-general had represented in his last despatch, that some reasons had been thereby furnished him, for dethroning and imprisoning these princes. This representation was strange and irreconcileable, for mark what were the words taken down upon this part of the subject during that conference. It was then asserted, that treasonable letters had been written by the Ameers. The Ameers asked to see them. They complained that they were not produced. What did the Ameers say? Why not produce the letters on which you found the accusation? We deny that we wrote them. To enable us to disprove that they were written by us, they ought to be produced. The commissioner then stated to them, that these letters had been traced, and found to be in the hand-writing of the confidential secretary of Sirvar Meer Khan. What was his answer,—"I deny that they were ever written by my authority. Why is not this paper shown to me. The House should know and see, what these documents were, upon which a treatment so terrific has been attempted to be justified, and these sovereign princes hurled from their thrones, and consigned to a prison. What must the House and the country think of this refusal to produce a document alleged to be the cause of these extraordinary proceedings—the sole proof of the alleged treachery of the Ameers? Would such a course be suffered or tolerated in a court of law? No. But the right to see and examine this document was not one derived from the force or forms of law merely—it was founded upon the principle of immutable justice, and the right of human nature. By-the-bye, there had been one of these letters said to be produced, but not to the

Ameers. They asked to see it, however, and were told, as Major Outram stated it, that it had been handed over to Ali Moorad, the very man who might be suspected with reason to have written or forged such a letter. The entry of the notes of the conference with the Ameers was as follows;—The Ameers said, that

"It was written that treasonable letters had been sent to Beebruck Boogtie and Sawun Mull. Why were those letters never produced? Why don't you give us an opportunity of disproving them? We never wrote them." Commissioner.—"The handwriting was ascertained to be that of one of your confidential scribes." Meer Nusseer Khan.—"I solemnly deny that it was written by my authority; why was not the paper shown to me?"

What said the Commissioner upon this part of the subject?—"These are not points for me to discuss or settle." But he maintained that they were points for the House of Commons to discuss. He trusted, whatever might be the result of this motion to-night, a British House of Commons would not suffer such a proceeding to pass without branding it with just reprobation. In the notes by Major Outram it would be found, that the Commissioner urged—

"The question is whether you will, or will not, accept the new Treaty; if not, the army under Sir Charles Napier will continue to advance."

To which the Ameers replied—

"If the army advances, our Beloochees will not be restrained, and we shall be blamed for the consequences."

The Ameers again said,

"You know how little under our control our Beloochees are. If the army advances they will plunder the whole country."

To this it was replied by the Commissioner—

"It is in your own power to prevent it by complying with the terms; the moment you do so I will dispatch a British officer to inform Sir Charles Napier."

The Ameers then rejoined—

"We deny the charges on which the new Treaty is imposed; but still we will subscribe it."

On this the Commissioner wrote to the General, that if he advanced the Beloochees threatened to go and fight the British force. On the 10th he wrote again thus—

"I sent off Fitzgerald with a dispatch last night, announcing that the Hyderabad Ameers had subscribed the Treaty."

Again, the Major, in another part of the correspondence, stated the readiness also of the Ameers of Upper Scinde to sign, and prayed Sir Charles not to advance. Upon the 12th he again wrote to Sir Charles Napier—

"These fools are in the utmost alarm in consequence of the continued progress of your troops toward Hyderabad, notwithstanding their acceptance of the Treaty, which they hoped would have caused you to stop. If you come beyond Halla, I fear they will be impelled by their fears to assemble their rabble, with a view to defend themselves and their families, in the idea that we are determined to destroy them notwithstanding their submission.—P.S. I go to durbar this evening to receive the Ameers' acceptance of the treaties."

In another letter, of the same date, he again stated the alarm of the Ameers at the arrival of a European guard for the resident, and urged Sir Charles Napier not to advance. On the 13th of February again he wrote—

"All the Ameers of Upper and Lower Scinde accepted the new Treaties in public durbar last night, and applied the seals to the drafts."

It subsequently appeared that two deputies attended from the Ameers, to say, that the Beloochee Sirdars had met—that,

"Finding Major Outram had given no pledge, they had sworn to march out and fight the British army; and that the Ameers had lost all control over them, and could not be answerable for what they did."

So wrote Major Outram. It would appear to the House that, so desirous of maintaining good faith with the British and the Commissioners were the Ameers, that they became exposed to the suspicion of treachery in the eyes of their people, and the Major accordingly wrote to the following effect:—

"It appears to me that the Ameers are now execrated for their dastardly submission (as they consider it) to what they style robbery. For the first time since I came to Scinde in an official capacity, I was received last night by a dense crowd with shouts, expressive of detestation of the British. Had we not been guarded by a numerous body of horse, headed by some of the most influential Beloochee chiefs, I dare say the mob would have proceeded to violence—it is evident the government did its utmost to protect us—the Ameers had been engaged in paying off and dismissing those who had flocked to the city since the

night before last, on hearing of the continued advance of your troops. The Ameers have sent to say, that the Beloochees have become quite uncontrollable, and refuse to obey them in any way. They beg me to leave as soon as possible, and give the advice from pure friendship."

All these facts would be proved by a reference to the contents of the second volume of the blue book, containing the correspondence with reference to Scinde, published by order of the House, and it would be found that even in the comments added by the Governor-general he did not deny that the Ameers were guiltless of the assault. He must take the liberty to say that there was great blame imputable from the slovenly and inaccurate manner in which the details of these proceedings were officially stated, more especially as they had been made the means to account for and justify an aggression so enormous upon a sovereign power. It would be observed by the House, that Sir Charles Napier's letter stated to the Governor-general that the signing of the Treaty took place upon the 14th of February, and the hostile attack was made upon the residency, on the morning of the 15th. The same statement was repeated by the Governor-general in his subsequent proclamation. Any one reading these documents would infer that the Ameers had signed the Treaty on the night of the 14th only, to blind the eyes of the residents preparatory to the attack on the 15th. But it would be seen in the second volume that the Treaty was signed on the 12th; and during the interval between that and the 15th unceasing efforts were made by the Ameers to avert mischief. Far greater care and exactness ought to be expected in the narrative of facts when it is attempted to found and maintain the propriety of steps of such profound import to the Ameers and to the character of this great nation—"I stand," (said the noble Lord), "here upon the refusal to produce the letters inculpating their conduct to the Ameers of Scinde, which have been assumed by the Governor-general to be such unanswerable proofs of guilt. I complain of the running commentary and of the foot notes attached to the correspondence of Major Outram, as if to question its correctness or give a different colour to the statement. If Major Outram has seen these foot-notes, and he continues silent notwithstanding, the case is different; but, if not, I must say, a gross injustice has been done to one of our most meritorious officers." The noble Lord then detailed the circumstances of the attack on the residency, the battles that followed, and the dethronement and imprisonment of the Ameers, and called the attention of the House to the letter from the Governor-general to the Secret Committee, dated March 13th, which contained the passage—

"Had the Ameers been entirely masters over their own troops, it seems to be doubtful even now whether Sir Charles Napier would not have effected his purpose and carried the Treaty into execution without actual hostilities."

That, as it appeared to him, contained the whole question. It gave the testimony of the Governor-general to the disposition of the Ameers and ought to exonerate them from personal penalty for deeds which they could not control. Mr. Speaker, continued the noble Lord, I have carefully abstained from touching on the original policy of invading and afterwards annexing the territory of Scinde; not that I hesitate to entertain an opinion on the subject, but because I had hoped to obtain some practical redress for these unhappy princes. And though I might demand much more in justice, I have preferred as the more likely course, to demand a little in mercy. Sir, let the House consider the utter improbability that they should have entertained hostile intentions. They had made no preparation to remove their women from Hyderabad, nor even their treasures. Had they contemplated violence surely they would have dispatched all their women and valuables to their place of refuge to the westward, among the Beloochee mountains. They surrendered, moreover, to the British Government the moment their troops were defeated. But take it in another point of view, is it likely—is it consistent with common sense that they should have remained tranquil amidst all our difficulties and dangers; nay, more, that they should have contributed their best aid, and lent every assistance to extricate us from peril, and then reserve all their intrigue and all their violence for our period of victory and strength? There was a time when they might have crushed us. During that time they were prodigal in assistance, contributing by every facility they could afford to the recovery of our position and honour. They attempt our

destruction as their enemies would assert, when our troops, returning in victory, had rendered it impossible. But, surely, Sir, if they were as guilty as they are unjustly represented to be, if all the charges against them were true, you have exacted of these men a sufficient penalty. You have torn them from their thrones, reduced them to the level of your meanest dependents, seized their dominions, incarcerated their persons, plundered their houses, and exposed them to various forms of privation and insult. Here is a note from one of the captives, Meer Sobdar Khan, addressed to the Governor of Bombay in Council :—

"I received frequent letters from the ladies of my family at Hyderabad, complaining that the sum of 550 rupees a month, which Sir Charles Napier allows for their expenses, is not sufficient for them and a hundred servants, besides the expense of keeping up an establishment of seven or eight houses; they are, consequently living in great distress, and suffering many privations."

The Government have, at last, I know, set a fixed allowance for the royal captives. As a prison allowance, it is liberal, but in no other sense. But are they to remain prisoners for life? Another letter from an officer at Bombay, dated September 28, 1843, shows their deplorable condition :—

"The Ameers are thrown into the deepest grief, as they look upon their fate as irrevocably sealed, and that they must remain in India prisoners for life. Poor Sobdar is in utter amazement at the return we have made him for all his past services; and it is the opinion of every one at all acquainted with his history, that he has been most unjustly treated. The Governor-general will not allow them to be visited, except by the officers associated with them in duty, which they consider a great hardship."

It adds many other indignities, perhaps the natural consequence of times of violence, but hard to be endured by the Ameers. Read the various appeals to the Directors, the Governor-general, and the Governor of Bombay, from the imprisoned Ameers. I must not detain you by quoting them all, but the memorial of two of these unhappy prisoners is peculiarly touching. The letter addressed by Meer Mahomed Khan, and Meer Yar Mahomed Khan, to the Court of Directors, was dated Sassoor, Sept. 18, 1843, and was couched in the following terms :—

"Be it known that we poor brothers received monthly pay from Meer Nusseer Khan, at Hyderabad, where we lived happily. We never interfered with the external or the internal politics of the country, or in any of its public affairs. Meanwhile Sir Charles Napier arrived in Scinde, and soon the Beloochees were in insurrection. We remained quietly in our retirement. Afterwards, when the other Ameers embarked for Bombay, we were permitted to remain at Hyderabad at liberty, through the kindness of Sir Charles Napier, but shortly after we were also sent to Bombay; and then to this place. It is now five months since we were forced to leave our country and family. We are innocent, yet we are suffering all the privations of imprisonment in a strange country. We are not real brothers of Meer Nusseer Khan that we should be punished as if we had been rulers, or in power in Scinde. We trust, that, becoming acquainted with our circumstances, you will allow us a suitable pension, and send us back with honour and respect to Scinde, to live there your faithful and obedient subjects.

I am sure it will be interesting to the House to hear the affecting terms of a memorial from Meer Hoossein Ali Khan, Meer Mahommed Khan, Meer Nusseer Khan, Meer Sobdar Khan, and Meer Roostum Khan, the Governor of Bombay in Council, dated Sassoor, 9th of November, 1843. Some previous facts connected with this are set forth in a dispatch of Major Outram's in 1840. To the honour and kindness of the British nation the late Noor Mahommed had bequeathed his sons; the dying man took Major Outram by his hand, and said, "I bequeath the care of my sons to the honour and kindness of the British Empire." This is the memorial to which I refer.

"The two sons of the late Meer Meer Mahomed are confined, one in Surat Castle, the other at Sassoor. On account of their separation their mother is grieved and much afflicted. It would lessen her grief and sorrow if both her sons were confined in the same place till they are released by the favour of the Queen, on whom we rely for justice; the distress of the brothers, too, would be lessened by sympathising with each other in the same place."

I have searched in vain for a contradiction of this statement, or to find that the grievance has been alleviated. Sure therefore I am, that it must be true, for all these memorials have undergone a most rigid examination by the authorities in India. I must now refer to a letter written by Sir Charles Napier to the Ameers at Hyderabad, and I quote it, not in an invidious sense against that gallant and most distinguished officer, of whom I am ready to say, he is deserving of every

honour which the Crown can bestow, of Peerage and of the Thanks of this House, and of his country generally, for his gallant conduct. But still, in stating the case of the Ameers, in speaking in their defence and on their behalf, I must be at liberty to show this letter as a sample of the spirit in which the intercourse with them was conducted, and the insults to which they were exposed, and will continue to be exposed as long as they are in the degraded situation of prisoners. Sir Charles Napier's letter to the Ameers of Hyderabad, dated March 18, 1843, runs thus:

"I am much surprised by the falsehoods which you tell—I will no longer bear this conduct; and if you give me any more trouble by stating gross falsehoods, as you have done, in your two letters, I will cast you into prison as you deserve; you are prisoners, and though I will not kill you as you ordered your people to do to the English;"

That charge has never been proved. This letter proceeds:—

"I will put you in irons on board a ship. Shere Mahomed is a very weak man, and will soon cause himself to be destroyed, and so will you unless you submit more quietly to the fate which your own rash folly has brought upon you. I will answer no more of your letters, which are only repetitions of gross falsehoods, which I will not submit to."

Well, now, this might have been caused by infirmity incident to human nature. On this point, I will say no more; but I will ask the House whether this is the language which ought to be used to defeated men, and fallen princes? Even before a tribunal for the trial of felons, a previous good character may be pleaded, and is often accepted, in mitigation of their sentence. I ask much less than justice, when I ask the same here. Are all the services of these men to be forgotten? Recollect all that they have done for you? Call to mind your awful reverses in Cabul? Remember your distress—your danger—your dismay;—the nervous and trembling anxiety of the country—the imminent danger to your Empire in India. And then, remember also, their ready aid—their friendly and fruitful co-operation. During the whole of 1841, supplies were in constant demand for our armies, and were most liberally bestowed. Detachments of various numbers and strength were pushed without obstruction through all parts of the Scindian territory, requiring and universally obtaining every possible assistance. Never before this late event had they drawn a sword against the British Empire. If ever they were your enemies, it was only in the height of your power. But remember they were your friends in the depth of your adversity. These, Sir, are the grounds on which I implore the interposition of this House in behalf of these fallen princes, stripped alike of their public power and their private possessions, and left to mourn in the solitude of a prison, over their own lost freedom, and the sufferings of their race. I pass over the various arguments drawn from their love of hunting, their injurious system, their vile government, charges which, however true they may be, are seldom admissible to justify aggression, and certainly have no place here. I do not venture to propose restoration to empire, but restoration to private rights and personal freedom. We have an illustrious precedent for our imitation. Contrast the bearing of our present Government in India with that of my Lord Cornwallis; his treatment of the sons of Tippoo Saib, with theirs of the dethroned Ameers. On one side, every abatement of the rights of war, every mitigation of its sorrows; on the other, to the uttermost, the pound of flesh, loss of territory, loss of freedom, loss of domestic associations, loss of independent means of sustenance for themselves and their children, loss of every thing but of life. Have we endeavoured to soften the woes we have inflicted? How does our policy contrast with that of better days? Let me give you the testimony, the unsuspicious testimony, of Mr. Mill, in his admirable history of British India. The Sultan had been compelled to surrender his sons as hostages to the British Government. What was their reception?

"Lord Cornwallis, attended by his staff, and some of the principal officers of the army, received them as they dismounted from their elephants, at the door of his great tent, embraced them, led them in by the hand, and seated them one on each side of himself; when he was thus addressed by the head Vakeel:—'These children were this morning the sons of the Sultan, my master; they must now look up to your Lordship as a father.' His Lordship assured, with earnestness, both the Vakeels and the Princes, that they should not feel the loss of a father's care. The faces of the children brightened up, and every spectator was moved."

Where, in the late transaction, was the spirit of Lord Cornwallis? Where was

that higher spirit, which should have dictated a different course to that which was pursued? Again, seven years later, after the fall of Seringapatam, in how noble a manner did the Marquess Wellesley receive the children of the defeated foe of England. I will quote again from the same authority—

"To the family of Tippoo, if we make allowance for the loss of a throne, as well as to the principal men of his kingdom, the conduct of the Governor-general was considerate and generous. The fortress of Vellore, in the Carnatic, was appropriated for the residence of the Royal Family, and fitted up commodiously for their reception, with an allowance for their support more liberal than that which they had received from Tippoo himself."

And yet, Sir, consider the difference of their claims. They were the sons of our hereditary foe; their father and grandfather, steeped in everlasting hatred to the British name, had warred against us for years, with implacable fury; had wrought us enormous mischief, and sworn to extirpate us from the soil of India. Here are the sons and successors of ancient allies, men who have once been hostile and oftentimes friendly, to whom we owe much, but who owe to us little. Both it is true, were taken in arms, but the one fight was the conclusion of a long, premeditated, and ferocious hatred: the other, the beginning and the ending too, of a short and unwilling hostility. Sir, we are often admonished, with oracular solemnity, that our empire in Hindostan is founded on opinion. Is it the opinion of our justice, our humanity, or our power? A wise and patriotic Government would ardently pursue such a noble combination; and this House, by the fulness and promptitude of its reply to an injured sufferer, would compensate for the enormous, though inevitable concession of despotic authority to the rulers of those distant regions. Sir, the generosity of absolute power is cheap, and safe, and honourable; true principle alone is of so attractive a nature as to lead many to believe that a really Christian empire would soon acquire the sovereignty of the world by the voluntary and eager resort of all nations under the shadow of its wings. Whether by such means as these Great Britain shall accomplish the dominion of the East remains to be seen; we have not, I fear, made an auspicious beginning; but if we are to gain no more by virtue, let us not lose what we have by injustice. Let us hasten to wipe out the awful rebuke passed by them on their Christian conquerors, "*Heu pietas, heu prisca fides!*" saying, as they were led away into captivity, "Now we perceive that there is no hope for us of judgment or justice, until God Almighty shall sit in the last great adawlut."

Mr. *Roebuck* wished, in the first place, to explain to the House and to the noble Lord, why he felt himself under the necessity of pursuing the course of which he had given notice. Some time last year he gave notice to the House of his intention to bring under its consideration the annexation of Scinde. Unfortunately, the papers connected with that transaction were not printed in time to admit of the discussion taking place that Session. The papers which he now held in his hands were not printed until a period when he was obliged to be absent in the North; but he had taken the earliest opportunity of coming down to the House, and stating, that as early as possible in the present Session he would bring forward the question. He had accordingly come down on the very first day of this Session to enter his notice, but he found himself very unexpectedly precluded from doing what he had intended, by the noble Lord's having, in spite of the intimation he (Mr. Roebuck) gave last year, already put down the motion brought forward that night. The noble Lord's zeal was equal to that of the old lady in the sermon, who, in her religious fervour stole a copy of Tillotson's Sermons. The noble Lord's zeal in the present matter had led him, in like manner to disregard the proprieties, and to deviate from the ordinary course adopted by one Member towards another, in appropriating a motion of which he (Mr. Roebuck) had given notice for himself, but the subject of which the noble Lord would really appear to consider as his own peculiar property for the time being. However, he had not risen to complain of the noble Lord, but to explain the reason of his amendment on the noble Lord's motion. This reason was, that he thought the noble Lord had taken somewhat a narrow view of a large and solemn question. It might be easy to show, as the noble Lord had done, instances of hardships; but the great business of the House, as it seemed to him, was to consider the whole of this policy from the

beginning to the end—when it began, when it was voluntary, and how soon it became a fatal necessity upon the rulers of England, a necessity imposed upon them by the previous proceedings of the former Government. In doing this, he must begin at the beginning, and go closely on to the end. It would, therefore, be necessary for him to go, as briefly as possible, over much of the same ground traversed by the noble Lord. He would begin with taking up the question from the period of our first interference with Scinde down to 1834. During that period it would be found that the proceedings of England in that quarter were perfectly fair endeavours to enlarge our commerce, and to spread the great advantages of civilisation over the East. After that they would find the scene change. The period to which he now referred was that between 1834 and the departure of Lord Auckland. The peculiar geographical position of Scinde was to be carefully kept in view throughout the whole discussion. When the Dooranee empire fell, Scinde conquered for itself a sort of independence, under the rule of a well known tribe—the Galora tribe. About seventy years ago these rulers were expelled by the late governors of Scinde; indeed, the whole of them were destroyed, with the exception of one or two persons, whose sole descendant was now living in the Punjaub, and some short while since wrote a letter to Sir Charles Napier, requesting to be replaced on the throne of his forefathers, in return for which he offered to assign us one half of his revenues. If, then, we were to act upon a mere principle of hereditary right, the legal sovereign of Scinde was this same Timoor, the lineal descendant of the former rulers of the country, who had been expelled by the ancestors of the Ameers. However, when the Ameers had got possession of the country, it so happened that England thought it worth while to enter into a commercial Treaty with them, and a factory was established, which was subsequently suppressed by the jealousy of these rulers. He now came down to 1800; at this time the leading fear of England was Napoleon Bonaparte, and accordingly we entered into a negotiation with the Ameers not to allow the French to enter Scinde. After that we had not much communication with them until 1806, when Lieutenant Pottinger was sent to enter into other negotiations with the Ameers, and as America was then an object of hostility with us the Treaty went to exclude the Americans as well as the French. Afterwards, it occurred to Lord William Bentinck that the enlargement of our commerce, by way of the Indus, would be beneficial, and he then by somewhat questionable methods, proceeded to endeavour to effect this object. He sent Lieutenant Burnes to Lahore. Lieutenant Burnes was sent up the Indus with the ostensible project of taking up some horses, but the real and secret object of his mission was to survey the Indus; and he did survey it, and then a circumstance occurred of a remarkable character, showing the sort of notion that prevailed in India of the grasping nature of English policy. However questionable might be the policy of what had been done up to this point, there was little for which to blame the English Government. What followed was a Treaty, and that Treaty an important one, in consequence of the negotiations of Colonel Pottinger. The Treaty of 1832 was an important one, and like all our Treaties in that part of the world, it commenced by both parties swearing eternal friendship, and both declaring in the second article of the Treaty,

"That the two contracting powers bind themselves never to look with the eye of covetousness on the possessions of each other."

And in the third article,

"That the British Government has requested a passage for the merchants and traders of Hindostan by the river and roads of Scinde, by which they may transport their goods and merchandize from one country to another; and the said government of Hyderabad hereby acquiesces in the same request, on the three following conditions:—1, that no person shall bring any description of military stores by the above river or roads; 2, that no armed vessels or boats shall come by the said river; 3, that no English merchants shall be allowed to settle in Scinde, but shall come as occasion requires, and having stopped to transact their business, shall return to India."

These conditions were of the utmost importance, because he was about to charge upon the British Government, as conducted by Lord Auckland, a direct, flagrant, and treacherous breach of the conditions. He would now pass on to 1834, when there was another Treaty concluded with the Ameers of Scinde to the same purpose—that of the opening of the Indus. The Treaty of 1834 ratified the Treaty of 1832, and added clauses imposing duties upon boats at a certain rate, and which were

to be appropriated in a particular manner. He now came to the most extraordinary event in the whole history of these transactions. An idea now began to be prevalent among the rulers of India that danger to English dominion in India was to be apprehended from the attempts of Russia —Russia being feared as influencing Persia, and Persia being feared as influencing Affghanistan, and for the purpose of getting a defence for our Indian dominions, it was proposed that an expedition should be undertaken against Affghanistan. In 1838, while this idea was prevailing in the minds of the rulers of India, Colonel Pottinger undertook to enter upon negotiations with the Ameers of Scinde, and these negotiations were conducted by Colonel Pottinger, under the commands of the Governor-general of India, in a very remarkable manner. Hitherto in our intercourse with the Ameers, all had been fair and aboveboard, or, at least, apparently so, but now the play was to cease and something serious was to be done, and, like the tiger of their native country, we had hitherto kept the paw like velvet, but then a blow was struck which drew blood. Every man who knew any thing of India, knew the manner in which English aggression advanced — that we first proceeded to interfere in the affairs of the neighbouring countries, offering our mediation — that was our first step; but when we did these things we did not do them for nothing—we must get something by what we did. And what did Lord Auckland do in this case? Lord Auckland had heard that our worthy ally Runjeet Sing was desirous of invading Scinde, and, in the peculiar way in which things are managed in the East, he asked of the Government to be enabled to take arms up the Indus, for the purpose of invading the country. The proceedings of Lord Auckland in this affair were thus described in a letter to the secret committee, in the first page of the book containing the secret correspondence from 1836 to 1838:—

"In our letter dated 26th September last, we had the honour of informing you, that we had taken the opportunity afforded by Maharajah Runjeet Sing's applying to be furnished with 50,000 stand of arms, by the Indus, to remind his Highness of the peaceful nature of the objects for which the Indus has been reopened, and to make him acquainted with the sentiments entertained by the British Government, with respect to the aggressive line of policy which he was pursuing towards his neighbours."

No doubt the laudable desire of Lord Auckland to keep the peace was deserving of approbation; but as he had already said, we never did this sort of thing for nothing—we were really what Napoleon called us, a nation of shopkeepers.

"We considered it our duty to endeavour to induce the Maharajah to lay aside his hostile intentions. It appeared to us, also, that this opportunity ought not to be neglected, of establishing the British influence on a solid basis in Scinde, a country which is of great importance to us, both from its commanding the entrance to the Indus, and from its position in reference to the Punjaub and Affghanistan. With these views, we, on the one hand, instructed Captain Wade to endeavour, by any means short of actual menace, to deter the Maharajah from advancing against Shikarpore, while, on the other, we desired Colonel Pottinger to intimate to the Ameers that we were ready to enter into a closer alliance with them, on such terms as might be mutually agreed on. Owing to the distance of the scene, and the uncertainty of events, we did not consider it expedient to prescribe to Colonel Pottinger the precise conditions on which he was to treat. He was authorised by us to offer our protection against the Sikhs, and we expressed our hope that, with a view to enable us to fulfil this obligation, the Ameers would consent permanently to receive, and to pay the expense of, a body of British troops, to be stationed at their capital. Short of this, we informed him that he was at liberty to offer the mediation of the British Government with Maharajah Runjeet Sing, on condition of the reception of a British agent at Hyderabad, and, of course, of all the relations between Scinde and Lahore being conducted solely through the medium of British officers, and of the expense of any temporary deputation of the British troops into Scinde, which might be found requisite, being defrayed by the Ameers."

This was the proposition made to the Ameers of Scinde. In a moment they knew what it meant — they had seen India absorbed, by the all-grasping power of the British Government, from Cape Comorin to the Himalaya, by the same process, and they knew, that this was the next step of inexorable destiny, to bring them under the same overwhelming power. They opposed to the utmost, the proposition with respect to the admission of troops, they insisted that they would have nothing to do with us in that shape. What then did we do? We put the screw on them— we said, we would let loose the Sikh mo-

narch upon them, if they did not do as we desired. In page 5 of the same correspondence, there was a letter from the Secretary to the Government of India, to the Governor-general's Agent for the Affairs of Scinde, which contained this passage,—

"You will, in treating with the Ameers, communicate with them, without reserve, in reference to the dangerous position in which they stand, and you will apprise them, that this Government is sensible how essential it is, not to their interests only, but to their very existence, that the ties by which they are connected with the British empire should be strengthened."

Diplomatic communications were generally periphrastic, but there was something under their ambiguity, and to the unfortunate Ameers, this, when translated into good Persian, would very soon indicate, that Runjeet Sing was to be allowed to take Khyrpore.

"Whether the communication which you may make to the Ameers in pursuance of these instructions shall end in no new result, or in the mere reception, at the court of Hyderabad, of a British agent, or in the advance of a subsidiary force, for the protection of the Scinde territories, will probably depend upon the conduct of the Maharajah, and the course of events."

In another passage of the same letter it was said—

"His Lordship in council, would not, without your deliberate advice, and a very careful consideration of all the circumstances of the position of Scinde, enter into a general engagement to defend that country from all external enemies; but he does not hesitate to authorize you to promise his mediation in all disputes between the Ameers and the government of Lahore, if a reasonable equivalent be assented to. As one condition of this mediation, and with a view to enable this Government readily to give effect to it, it would be advantageous if the Ameers would consent permanently to receive a body of British troops, to be stationed at their capital, the expense of the detachment being paid from the Scinde revenues."

Any one would understand the right signification of such an instruction as this; and the Ameers at length, well knowing the power that would be exercised by the Maharajah in consequence of their not complying with the demands made upon them, entered into the treaty of 1838. He begged the House to reflect upon the position of affairs at that time. We had a commercial treaty with the government of Hyderabad—we had entered into stipulations, one of which was, that no military force or military stores should pass through the dominions of the Ameers, and they had accepted our offer of a resident agent at Hyderabad. That was the state of our relations in 1838. Now was matured the scheme of advancing upon Affghanistan, and here was the origin of all the evil—here was the source from which all the waters of bitterness flowed; and he charged it upon the conduct of the then Governor-general of India, and the right hon. Gentleman who was his chief controller, as having been the cause and origin of all the evils that followed, and the source of all the disasters which were so much to be deplored as having occurred in Affghanistan, and all the miseries which had ensued in Scinde. How did he make out this charge? The first proposition which he should move to-night, as an amendment upon the motion of the noble Lord, charged upon the Governor-general of India, acting under the commands of a right hon. Gentleman whom he now saw in his place, first, injustice to the Ameers, in the conduct which he was about to describe; and next with a want of wisdom towards England in the same conduct. And now for the injustice, with which he should first begin. He had asserted, and he did not expect to hear it denied, that when the Dooranee dynasty fell to pieces, the people of Scinde, or at least the rulers of Scinde, vindicated to themselves by force of arms a certain degree of independence. When he talked of independence, he did not wish to be misunderstood. They had for some time paid tribute to the then rulers of Cabul—the amount of which was unsettled. They had paid the tribute for some years; but the family of Khyrpore utterly refused payment, and defeated the Affghans when they endeavoured to enforce it, and for some years the tribute had never been paid. This he should by-and-by show. A part of the same empire was the Punjaub. In the same way the people of that territory vindicated their independence, and Runjeet Sing, with singular sagacity and courage, gathered together the broken fragments of the Punjaub kingdom, and brought it under his own control. Runjeet Sing was a powerful monarch, having an army of about 60,000 men, and with him we did not wish to quarrel. We entered into the famous Tripartite Treaty, which he should now state to the House,

In 1838 we had entered into a treaty with the Ameers of Scinde. The ink was hardly dry—the year was not ended, when we entered into this Tripartite Treaty. By the 16th Article of the Treaty, Lord Auckland took upon himself to dispose of Scinde; there was no way of explaining it otherwise. He took upon himself to dispose of the country, and he did it thus: the English Government had set up that puppet Shah Soojah; they pretended to say that he was King of Cabul—King of Affghanistan. As such he claimed to have powers over Scinde, and one would have supposed that he would have equal power over the Punjaub. But a line was drawn between them. Over the Punjaub he gave up every thing like dominion, and he even bound himself to pay tribute to Runjeet Sing; but as regarded the unfortunate Ameers, what was the conduct of Lord Auckland? By the 16th article of the Tripartite Treaty,

"Shah Shooja-ool-Moolk agrees to relinquish, for himself, his heirs and successors, all claims of supremacy, and arrears of tribute, over the country now held by the Ameers of Scinde (which will continue to belong to the Ameers and their successors in perpetuity), on condition of the payment to him by the Ameers of such a sum as may be determined under the mediation of the British Government; 15,000,000 of rupees of such payment being made over by him to Maharajah Runjeet Sing. On these payments being completed, Article 4. of the Treaty of 12th March, 1833, will be considered cancelled, and the customary interchange of letters and suitable presents between the Maharajah and the Ameers of Scinde shall be maintained as heretofore."

We undertook what? We undertook to lend our mediation—between whom? Between an independent set of sovereigns, the Ameers, and a poor unfortunate outcast who had lived upon our charity for years, and whom at that moment we were setting up as a mere puppet to suit our own purpose. Shah Soojah had not a single slave, or single soldier, or single follower who was not paid by England. He had no army, although the noble Lord called it Shah Shoojah's army. It was recruited by England, paid by England, officered by England, conducted by England—in fact it was an English army, and we having the power of this army in our hands, called upon the Ameers with an affectation which added insult to injury—the affectation of being friends, pretending to mediate between our puppet and those whom we were actually at the time about to rob. Well, Colonel Pottinger was sent to the Ameers with the Tripartite Treaty, and he was told not, as long as he could avoid it, to let the Ameers know any thing about it, to keep the matter snug and quiet till the last moment, and then to tell them what they would have to pay, and what would be the penalty for not paying it. Colonel Pottinger undertook the negotiation. Colonel Pottinger addressed himself to the Ameers—and here he must make a distinction which was necessary to the due understanding of the narrative. The family of those who governed Scinde when we first came into possession of it consisted of three brothers, presiding over three separate districts, those of Shikarpore, Hyderabad, and Khyrpore. In the transactions which followed, as in all our oriental proceedings, the Ameers exclaimed against the injustice that was about to be done. Although this affair was but consistent with all our Indian policy, yet no doubt, in consequence of our improved habits of national as well as other morality, every one would receive with derision that which was a libel and a total falsehood upon the character of England. The Secretary to the Governor-general, in writing to the resident in Scinde, in the letter contained in pages 8 and 9 of the Correspondence, after enumerating certain documents which he sent, said:—

"The measures treated of in those documents are of the highest importance, and as the Ameers of Scinde are deeply interested in the issue of them, it is necessary that they should be made fully and fairly acquainted with the motives and intentions of the British Government. You will, in the first place, state to the Ameers that, in the opinion of the Governor-general, a crisis has arrived, at which it is essentially requisite, for the security of British India, that the real friends of that power should unequivocally manifest their attachment to its interests; and you will further apprise them that a combination of the Powers to the westward, apparently having objects in view calculated to be injurious to our empire in the East, has compelled the Governor-general to enter into a counter-combination for the purpose of frustrating these objects. You will perceive that by one of the articles of the Treaty recently concluded, the British Government engages to arbitrate the claim of Shah Shooja-ool-Moolk upon Shikarpore and the territories of Scinde generally, and proposes at the same time to bring to a final settlement the claims of Maharajah Runjeet Sing, as connected with the Shah, and

with the territories along the course of the Indus, which were formerly included in the dominions of the Affghan kingdom. The Governor-general has not yet determined the amount which the Ameers may be fairly called upon to pay, and it should not therefore immediately be named, but the minimum may certainly be taken at 20 lacs of rupees. His Lordship will endeavour to prevail upon Shah Shooja-ool-Moolk to reduce the claim which he has on the Ameers to a reasonable amount."

He would ask, was it not a downright insult that such a paper should be brought down to the House of Commons and received, as he had no doubt it would be by the right hon. Gentleman opposite, as a thing deserving a moment's attention, as being the offspring of common sense or common honesty? Why, to prevail upon Shah Soojah—a man who at that moment must have starved if we had chosen—a mere instrument of our will, and who, if we had prohibited him, would not have dared to open his mouth—and yet the Governor-general had the hardihood—he must call it—to palm off this statement—

"And he trusts that you will have no difficulty in convincing them of the magnitude of the benefits they will derive from securing the undisturbed possession of the territories they now hold, and obtaining immunity for all future claims on this account by a moderate pecuniary sacrifice."

In a subsequent paragraph he says—

"Shah Shooja-ool-Moolck will probably arrive, with his own army, and the direct support of British troops, at Shikarpore, about the middle of November next, in progress to take possession of the throne of Affghanistan. The Governor-general is averse from contemplating such a result as a refusal on the part of the Ameers to enter into such a composition with his Majesty as the British Government may deem just and reasonable; but it may be proper to apprize them of the probable consequences of their not coming cordially into the general views of his Lordship at a crisis so important; and you are authorised to tell them, that his Lordship must regard the demonstration of such a spirit, as rendering it indispensably necessary to the success of the enterprise which it is the object of the Tripartite treaty to accomplish that temporary occupation should be taken of Shikarpore, and of as much of the country adjacent as may be required, to afford a secure base to the intended military operations."

There it was threatened by Lord Auckland, that for his own special purposes he would take direct possession of the country of the Ameers, and he (Mr. Roebuck) would follow up the negotiation step by step, and as the noble Lord quoted Colonel Pottinger's statement, as he supposed it to be, from seeing it in the newspapers, he (Mr. Roebuck) would read a paper sent to the Governor-general, which had Colonel Pottinger's name at the bottom of it. He read that letter, which the noble Lord had not done, and the House would find that Colonel Pottinger distinctly recommended to the Governor-general to take forcible possession of Scinde. He could not believe that letter, to which the noble Lord had yielded such hasty credence, for he (Mr. Roebuck) was not one of those who believed all they heard. In letter 14, page 14, Colonel Pottinger said—

"Had our present connexion existed some years, and our resident thereby had time, by constantly kind intercourse with the chiefs and people, to have removed the strong and universal impression that exists throughout Scinde as to our grasping policy, the case might have been widely different; but I enter on my new duties without anything to offer, and with a proposal that will not only strengthen the above impressions (for many besides the Scindees will believe at the outset that we are making a mere use of Shah Shoojah's name), but revive a claim to tribute which has been long esteemed obsolete. For the reasons I have, I fear imperfectly, adduced in this letter, and also because I am convinced that, sooner or later, the precaution will be requisite"—(the last attempt—the *ultima ratio* of England)—"I mean to request the Governor of Bombay to take early steps to prepare a force for eventual service in Scinde. I shall propose that three regiments of native infantry and a troop of horse artillery be at once sent into Cutch; that a complete regiment of native cavalry be brought to, and kept at Rajkote; and that two squadrons of dragoons, two companies of foot artillery, and 1,000 European infantry, be held in readiness at their present stations, until I may call for them."

This was a beautiful specimen of that figure of rhetoric called rigmarole.

"I look on it, that the moral effect of such preparations will be even greater on the government of Scinde, as well as throughout the adjacent principalities, than our sending a force direct into the former province. Should the Ameers seem inclined, either by their avowed hostility, or backwardness in the cause—"

What cause? that of inflicting a fine upon themselves

—"to oblige us to occupy their territories, I shall lose no time in apprising the Bombay government; and, in that case, the whole force might either assemble in this province, or the European troops proceed by steamers to the mouths of the Indus, where the native

infantry would meet them in boats from Mandavie, whilst the mounted corps (horse artillery and native cavalry) would probably have to march, so as to form a junction with the main body of the army somewhere near Tatta. All these details would of course depend greatly on the support or opposition to be anticipated from the local government, and of that I shall be able to speak fully when I reach Hyderabad, and have communicated with them."

That was the first show off of Sir Henry Pottinger. This was the man who was now so full of virtuous indignation and who talked of his old friends, the Ameers. If ever there was a set of men puffed up with vanity—overcharged with the notion of their own importance—he would point his finger for an example at the political agents of the Indian government. In page 17—this was another part of this pretty farce—the Governor-general said :—

" You have stated your intention to charge the Ameer to his face with this injurious act."

This injurious act was the entering into intercourse with Persia. So soon as it was discovered that there was a difficulty in the negotiation, the next step was to find a pretext for coercing them. The Ameers had written a letter to the Shah of Persia, and the Governor-general, in speaking of this act of an independent Sovereign, in writing to the Shah of Persia, says :

" You have stated your intention to charge the Ameer to his face with this injurious act, but you have not stated with what proceeding on your part an admission by him will be followed, and it is, therefore, difficult to foresee in what circumstances you may be placed before the receipt of this letter. It seems open to you to decide upon proclaiming, as soon as a force from Bombay may enable you to do so with effect, that an act of hostility and bad faith having been committed towards the British Government, the share in the government of Scinde, which has been held by the guilty party, shall be transferred to the more faithful members of the family."

This was within a few days of the communication of the Tripartite Treaty to the Ameers, and here was a threat to take their territories :—

" And it may be thought right to accompany this transfer with a condition, that as a security for the future, a British subsidiary force shall be maintained in Scinde; or, secondly, the maintenance of this force may be required without the adoption of an act so rigorous as that of deposition; or, thirdly, it may be thought expedient, upon submission, and the tender by the Ameer of such amends as may be in his power, to point out to him that no better reparation can be given than by exertions to give effect to the treaty formed for the restoration of Shah Shooja."

The letter went on to say, that the first course would be a justifiable one. Negotiations were continued to see what could be done, and he was now about to read a remarkable passage from the letter of Colonel Pottinger, in which he recommended the occupation of the greater part of Scinde. In page 89, he said,—

" The only one of these that requires any observation from me in this place, is that regarding the strength of the subsidiary force. On this subject I have bestowed a good deal of reflection since the receipt of your letter of the 29th ult., and I am of opinion that we should demand from the Ameers of Scinde the cession, ' not a temporary occupation,' of all the country lying on the right bank of the Indus, south of an imaginary line to be drawn due west from that river at a point ten miles (more or less) north of Tatta, until it meets the frontier of Beloochistan, at the base of the mountains. This would give us a compact territory, the complete command of the river, and possession of the only sea-port. At a very rough estimate, I calculate that the cession I have indicated would yield at first a revenue of from four to five lacs of rupees, but it is one that would rapidly improve under our rule, and in a few years, I see no reason to doubt that Tatta would spring into much of its former opulence, and become a vast emporium of trade and wealth. I see manifold and cogent reasons why the subsidiary force should not be stationed at the capital, where barbarism and prejudice would lead to continual disputes without any counterbalancing advantage. My plan, therefore, would be to have a regiment of native infantry and a company of artillery at Kurachee, and all the rest of the troops at Tatta, where there is an admirable site on the Mukalla hills (west of the city), for a cantonment. I shall also propose that a strong detachment of Bengal troops (equal, perhaps, to the Kurachee one), should be kept at Sukkur, on the Indus, to which I presume the Khyrpore chiefs will gladly give their assent. With these troops, and British agents residing at Hyderabad and Khyrpore, I look on it that our perfect supremacy throughout Scinde will be as fully established as though we had entirely subjugated it."

This, then, was the man who now talked of his old friends, the Ameers of Scinde. But the noble Lord had, no doubt, been imposed upon by that letter. [Lord *Ashley* : " I believe it."] And I believe the noble Lord has been imposed upon. But, he had now to show what had happened ?

The army came from Bombay to the mouth of the Indus. He knew well that the Governor-general began to be doubtful of the success of his expedition. The Governor-general was most hot upon the seizing of Scinde, until there was a danger of a stop being put to the Affghanistan expedition. Until the danger arose, he was most hot upon the seizure. Lieutenant Eastwick took a Treaty to Hyderabad, and that treaty he was told to enforce upon the Ameers. It was to be found at pages 122 and 123, and, like all other Treaties, it began by declaring that there was to be lasting friendship between the two governments :—

"Whereas, Treaties of friendship and amity have, from time to time, been entered into between the British and Hyderabad governments; and whereas circumstances have lately occurred which render it expedient and necessary to revise those treaties; with a view to which this draft has been prepared, agreeably to instructions addressed by the Right Hon. Lord George Auckland, Governor-general of India, &c., to Colonel Henry Pottinger, resident in Scinde, &c. There shall be lasting friendship, alliance, and amity between the Honourable the East India Company and the Hyderabad government; and the provisions of all former Treaties, not modified or annulled by the present one, are hereby confirmed. The Governor-general of India has commanded that a British force shall be kept in Scinde, and stationed at the city of Tatta, where a cantonment will be formed. The strength of this force is to depend on the pleasure of the Governor-general of India."

Where is, said the hon. and learned Gentleman, the independence of Scinde now? The treaty goes on :—

"Meer Noor Mahomed Khan, Meer Nusseer Mahomed Khan, and Meer Mahomed Khan bind themselves to pay annually the sum of in part of the expense of the force, from the presence of which their respective territories will derive such vast advantages. The chiefs of the Beloochee tribes, and all others holding grants (jacedads) pensions (wazeefas), jagheers (tesols), &c. from the different Ameers, are to continue to enjoy them as they now do, the Ameers being answerable for their peaceable conduct towards the British Government and his subjects. Their highnesses the Ameers agree to form no new treaties, or enter into any engagements with foreign states, without the knowledge and concurrence of the British Government, but their highnesses will, of course, carry on friendly correspondence as usual with their neighbours."

Was not this, he asked, depriving them of their independence as a nation? They compelled the Ameers to maintain a foreign force in their territory—they made them pay such sums of money as they pleased, for the sustainment of that army, and then they would not permit them to enter into any sort or kind of negotiation with their neighbours. And why drive them to this? On the pretext that they had written a letter to the Shah of Persia, where the English were about to proceed, not against the Shah of Persia, but against Affghanistan—that is, when the English were about to make war against Affghanistan, it was a crime in the Ameers to write to the Shah, with whom England was at peace; and they punished that crime first, by compelling them to pay money; then to maintain a foreign force; and next, by depriving them of their independence as princes. What party was it here who broke the treaty? He answered, the British Government. Let them compare all the crimes that were laid at the door of the Ameers—let them compare that with the fact of proceeding up the Indus with an armed force—with the threat that, if they did not give up a portion of their territory, they would be deprived of their independence, and they, too, should be punished if "they did not aid the cause." Let them, he said, compare those things with the circumstance, even supposing it to be true, of a friendly letter being addressed by one potentate to the other, conceived in the usual terms of hyperbole employed in the East, and it would be found that the former was a gross, traitorous, ungenerous breach of faith. It was to compare a mole-hill to Mount Ossa. Lieutenant Eastwick went to Hyderabad, and there a series of negotiations were commenced, in which the only weapons left to the weak were resorted to by these Ameers. There was evasion, deceit, falsehood—everything that could be devised, every art that could be employed was used to escape from the grasp that was actually surrounding them, and which, like the huge snake of their country, was twining, coil upon coil, about them, and that, with overwhelming power, was gradually crushing and destroying them. Amongst other things, they told us that they were totally unable to coerce the Beloochees, that the Beloochees had congregated about their capital, and they stated to Lieutenant Eastwick that, if he did not take care, an attack would be made upon him. Lieutenant Eastwick took them at their word. He retired

quietly. He retired quietly to the army that was advancing. He got on board a steamer. The army advanced to Hyderabad, and then, but not till then, did the Ameers sign that obnoxious Treaty. He said that this conduct on the part of the British Government was a disgrace to their name and nation—he said that it was a foul blot on their escutcheon—he said that it was one of unblushing dishonour; they had power, and how did they use that power towards the poor and helpless?—shamefully and tyrannically!

"Oh! it is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant."

Whilst this proceeding was going on at Hyderabad, Lieutenant Burnes was at Cabul. When the army descended the Sutlej, Lieutenant Burnes proposed to the Ameers of Hyderabad the temporary occupation of Bukkur. Afterwards the army passed on, and got through Cutch and the Bolam Pass. He stopped here to answer an argument that might be used against him. He would be told that it was unfair in him now to question the invasion of Affghanistan—that he ought to accept it as "an accomplished fact," and then discuss nothing but what was the object of the present motion;—that he ought to allow as a given thing that the proceedings against Affghanistan ought to have gone on. Now, he would first take the liberty of saying that the Governor-general had taken the wrong route to Cabul. His army ought to have gone through the territory of his ally—through that of Runjeet Sing. Instead of going 1,500 miles out of his road, he could have gone by a march of 300 miles. He gave this not merely as his own opinion, but he cited for it a high military authority, which proved Lord Auckland to have been guilty of a blunder in his injustice. The writer states—

"The invasion of Affghanistan being thus settled military principles demanded that the shortest and most direct lines of operation should be adopted. Those were in the Punjaub. The Maharajah had just concluded a most advantageous treaty for himself, at the expense of the king, and by the influence of the Governor-general. It was but reasonable, then, to demand a free right of passage to reach Affghanistan through the ceded territories—that is to say, through Peshawur and the Khyber Passes, which was the best route to Cabul. There was no reason, if he had faith in his allies, the British, why the Punjaub should not at once be made the base of operations—why the invading army should not have assembled, with all its stores, on the Upper Indus, instead of the Sutlej, and from thence have penetrated at once by the Khyber Passes to Cabul, and by the roads which lead from Ismael Dera Khan over the Sooliman ridges to Ghuznee and Candahar. When a great point, as it is technically termed in war, is to be made, there are only two modes recognised by military art to effect the object. The army should march, having its warlike means with it, compact and strong, to bear through all opposition, trusting to the genius of its commander to draw resources for its support from the country where it is to halt. Such was Hannibal's invasion of Italy. The success depends upon a sagacious calculation of power and resistance beforehand; upon the proportion which the vastness of the enterprise bears to the vastness of the leader's genius. This is the highest effort of military genius. The second mode is to trust the communications with the base of operations to allies or nations subjugated on the march. Such was the Macedonian Alexander's method of approaching India. There was no Hannibal to lead Lord Auckland's army—there was no army organised for such an enterprise to be led—but the more secure mode of Alexander did not require his genius. Runjeet Sing was the ally to whom the communications should have been entrusted, and an army of reserve assembled on the Sutlej, would have insured his fidelity. If Runjeet Sing refused his consent, his alliance was hollow. Justice had been cast aside from the beginning; policy then dictated the forcing him to acquiescence, or the subjugation of his kingdom as a preliminary to the invasion of Affghanistan. Not so acted Lord Auckland. He turned his eyes another way, and, with a total disregard of military principle, of which he and his advisers appeared to be as profoundly ignorant as they were regardless of equity, he resolved to perpetrate, under the pretext of friendship, the enormous aggression on the Ameers which he dared not attempt with the powerful Maharajah. In this view articles were inserted in the tripartite treaty by which Runjeet accepted the British mediation in his dispute with Scinde; and the King who had resigned, without an equivalent, the finest and richest portions of his kingdom to the Maharajah, agreed also to resign his sovereign right in Scinde on condition of receiving arrears of tribute. The purport of all this was to seize so much of the Ameer's territory as would secure a line of operations against Affghanistan through Scinde. This line, however, was so defective, that military considerations alone should have stopped the invasion. The line of operations by the Khyber Passes would have been of 500 miles from Loodiana to Cabul, but only of 300 from Attock if the base had been there first established. The line from Ishmael dera Khan would have been 300 miles to Candahar; 200 to Ghuznee..'

The attack upon the Ameers was a

gratuitous wrong. It was a blunder, attended with injustice. They had thrown away the lives of hundreds of their fellow countrymen — they had thrown away money which ought not to have been expended, even if the attack on the Ameers were to be justified as prudent or honest. He now passed on to the year 1841, when they were in possession of Affghanistan. The Ameers became unable to pay the tribute required from them. The next demand made on them was for territory. The demand was made on them for Shikarpore; but before this negotiation arrived at a close, there came the disaster of Cabul. A portion of the army was withdrawn. At length the people of Affghanistan rose upon the army that remained; they destroyed the British envoy; killed the puppet king, which the English had set up, and confined within their narrow fortresses the few that had escaped from the general slaughter. The whole of the British policy was then changed. He was not now going to discuss the wisdom or the folly of Lord Ellenbo ough's proclamation on his arrival in India. It was, however, the first time that the English were compelled to return—it was the first time that they had been thoroughly beaten, and their being so had created a general feeling throughout the eastern world. The position, then, of Lord Ellenborough, in taking a shattered dominion out of the hands of his predecessor, was extremely difficult and perilous. Lord Ellenborough announced his determination to retire to the limits of the Indus. It was a remarkable fact. He knew nothing like to it but that remarkable circumstance in the history of Rome, when the people first gave up the vain pretension to an universal dominion.

"It was an ancient tradition," said Gibbon, "that when the capitol was founded by one of the Roman Kings. the god Terminus (who presided over boundaries, and wasre presented according to the fashion of that age by a large stone) alone among all the inferior deities refused to yield his place to Jupiter himself. But though Terminus had resisted the majesty of Jupiter, he submitted to the authority of the Emperor Adrian."

He did not think he should be met by the continuation of the passage, which said that

"It was scarcely in Adrian's power to place the superiority of his predecessor in a more conspicuous light than by thus confessing himself unequal to the task of defending the conquests of Trajan."

Lord Ellenborough arrived there to take command of their Indian dominions at a time that was most dangerous and critical. The army of England was ordered to advance into Cabul. They (the English) said they were victorious; but, victorious or not, they retired from Affghanistan. They were followed by the people of Affghanistan in arms. Not a step was taken by that army but the people rose up behind them and around them, and compelled them to fight their way out of the kingdom, and the eastern world said, and he (Mr. Roebuck) was not much inclined to blame them for it—that "we were thrashed out of Affghanistan." The Scindians saw this, believed this, and they said, "We are as brave as the Affghanistans—we can fight as well as they—they have conquered the Feringhees—why then should not we too be able to defeat them?" From one end of Scinde, then, to the other—and he did not blame the Ameers for this, for they were smarting under the fierce injuries they had received—they entered into a conspiracy against the English. From Beeloochee to Cutch, from Kurrachee to Lahore, they had entered into a conspiracy against the English dominion [*Hear, hear.*] He heard a learned Indian authority say "Hear;" now, he asked, was it not natural that they should do this? The noble Lord had said that they had done serious injury to the princes of Scinde—they had taken possession of the heart of their country. They felt strongly the injury and insult that had been done to them, and they conspired against the British dominion. As might be expected, the evidence on this point was multifarious. He would read an extract from a letter addressed by Lieutenant Leckie to the political agent in Scinde; it was dated Hyderabad, May 3, 1842:—

"I received yours of the 29th ultimo, yesterday, and had an interview with —— last night. I put the letter from Nusseer Khan to you into his hands, and directed him to peruse it. After having done so, he said, 'This is Gleanchund's writing in parts, also that of Akoond Buchal. The seal is Meer Nusseer Khan's, and there is no doubt of its being authentic.' I then quietly hinted at Meer Nusseer's correspondence with the Sikhs, to which he added, 'Meer Nusseer Khan corresponds now in every direction, seeking his own ruin by digging a well for the purpose of burying himself (or being smothered, literally); his favorite confidant in the Persian quarter is dead, but his son has replaced him, and arrived

only three days ago; his name I forget, but will find out for you; as to the Sikhs, Suckoo Mull has for some time been in the habit of writing letters as if from the Maharajah to Nusseer Khan, and has gained by it; however, something has gone wrong, and he wrote a letter as if from the Sikhs, recalling him to the Punjaub; this was a forgery. I do not know the tenor of the communication lately, but some time back Meer Nusseer proposed to the Sikhs, that they should rise and kick us out of their part of the country, as the Affghans had done, and that they (the Ameers) would join; his having written thus to one quarter makes the conclusion he has written every where; he has so many irons in the fire, that he is overwhelmed in his own imagined greatness. Meer Meer Mahomed appears to join, but he has a clean heart, and is a good man. Mahomed Khan Tora is the mischief-maker, and guides the Ameer according as Meer Nusseer wishes. To prove that Meer Nusseer tries to deceive every one, his plot with regard to the Bakroo rupees was intended to impose upon the British Government, by which it would have lost from 10 to 15,000 rupees in a lac; but you luckily got hold of the truth and upset his measures."

That was proof of a conspiracy. At that time a curious thing happened. Major Outram wanted to know how these things were carried on, and he sent his people immediately to intercept the communications between one part of Scinde and another, and thus got into his possession certain letters from Nusseer Khan to the Khyrpore chiefs; but he could not say that the method of getting at them was very creditable to the English people. So it was, however. Again, writes Lieutenant Leckie to the Political Agent in Scinde, under date the 13th of April, 1842:—

"Nusseer Khan is going ahead as fast as he can, and is trifling with the treaty, as far as levying duties is concerned. He says, he will levy on all the merchandise of Scinde, at this place, to make up for the river being free. Yesterday, I am informed, Shahdad and Hoossein Ali went to Sobdar to point out the necessity of the Ameers being of one mind and acting together, owing to the Affghans getting the better of us. Meer Meer Mahomed also went in the afternoon. The Naib, Ahmed Khan, was present. All this is at the instigation of Nusseer Khan, who keeps aloof himself; he is making a dead push to be No. 1. He is our enemy, without doubt, and is making the most of our weakness. How he is to be checked by the other Ameers, I know not; and it strikes me ere long we must interfere with a powerful hand; as the hot season approaches we may find the fellows getting bolder. A visit from you would have a wonderful effect just now to check Nusseer, before he makes a greater idiot of himself; he has succeeded in getting all but Sobdar under his thumb, and, from his wealth, has the troops at his beck. Mahomed Shuzbee, who resides in Bombay, and corresponds with Jaffir Schah, is the man that gives all the newspapers gulp that is twisted into queer forms by these people. Perhaps you will think, from what I have written, that I am an alarmist. It is not so; my wish is to prevent their stupidity carrying them too far, and which must cause their ruin, with a good deal of trouble to ourselves. I hear Mahomed Dewan is at the gate; I fancy he is charged with money." "April 28, 1842.—I was told last night that Nusseer said, when he heard we had won the Khyber, that the Afreedees and Patans were a set of donkeys, and should have thrashed us. He is well blown out with pride and conceit of himself just now. What I do not like is the old chiefs of Mahomed Ali and Noor Mahomed going to his service, and deserting others. He is, there is no doubt, spending money and sweet words at no allowance, and can afford to do so after all the zulam he has committed. Should Tukkee Shah be false, I fancy that every assistance may be given me in finding out what is going on through his aid, as it is an object to the Ameer or Ameers to let villains travel quickly hence unknown to him." "May 1, 1842.——has this moment left me. He tells me that we must not consider Meer Nusseer Khan of Khelat our friend; that he has written a letter, which a man of——saw at Beila, addressed to the Jam of that place, urging him and the other chiefs of the Hills, Ahmed Khan, Noomria, and the Takkia chief included, and all the Scindees at Kurachee and adjacent provinces, to rise against us, should we be unsuccessful in Affghanistan; that Gordan, at Sonmeanee, is to be ordered to quit his post. If he refuses he is to be forced, and if he shows any hostile intention he must be answerable, or, in other words, killed. That this will be the signal for the Scindees of Kurachee to loot and attack the camp, and in that direction insurrection will be general."

Was it supposed that the old chiefs Mahomed Ali and Noor Mahomed would come and tell our people what they were about to do? Our agents were obliged to get information as they best could, by making use of their own eyes. There was another letter from Sir G. Arthur, who was as well qualified as any man to see what was going on in the country at this time; and from that letter it was also quite clear that there was a conspiracy going on against our dominion. It was for Lord Ellenborough to determine this most important question:—When we had been defeated, as the Indian people thought, in Affghanistan—should

we withdraw not only from Affghanistan, but also from the Indus, and should we make as heretofore the great Desert of India and the Sutlej our frontier? Now, Lord Ellenborough had carefully to consider that question, with all the great responsibilities of his office pressing on his mind, and having, he (Mr. Roebuck) thought, nothing else than the interest of his country at heart, for he could not conceive what other interest he could have [Lord *Palmerston*: "Hear."] The noble Lord might know more than he did upon that point; he was only explaining his own views of the matter. The noble Lord had a more intimate knowledge of the subject, and had, perhaps, grounds for coming to a different conclusion; but he only judged from the ordinary conduct of men. Lord Ellenborough, seeing that we were refluent from Affghanistan, asked himself this question, "Shall we now withdraw from the Indus, and forego all the advantages of its occupation?" The right hon. Gentleman near him (Sir J. C. Hobhouse, as we understood) and the noble Lord the Member for Tiverton looked upon the Indus as the great artery of our new commerce, and was Lord Ellenborough at that moment to have given up that advantage after all the blood, and all the treasures that had been spent for its attainment, and after the fatal effects in the eastern world of our defeat at Cabul? Was he then to desert the Indus, and to withdraw within those limits which prudence should have forbidden us to pass, but which the right hon. Gentleman (Sir J. C. Hobhouse), for the unhappiness of that country and of this, had allowed the late Governor-general to transgress? Well then, Lord Ellenborough determined on keeping possession of Scinde—that was to say, had determined on maintaining our onward position—had determined on retaining Sukkur, on retaining Kurrachee —Kurrachee which had been seized by Lord Auckland by one of the most extraordinary proceedings—he should advert to that immediately—by one of the most extraordinary proceedings that distinguished the whole case. When the Ameers under actual compulsion from Sir John Keane's army had signed the treaty, the ink was scarcely dry when the Wellesley made her appearance in the harbour of Kurrachee. A gun was fired, not at her, but in honour of her, as had been afterwards proved; the Wellesley immediately brought her broadside to bear, and took possession of Kurrachee, which the Governor-general determined to hold as a conquest by British arms. That statement would not, he supposed, be denied. Colonel Pottinger himself, on finding that Lord Auckland had determined on retaining Kurrachee, had said,

> "I cannot answer the arguments made to me by those people, when they tell me what gave rise to the attack; and I must leave it to your Lordship to decide whether you will retain the conquest."

Colonel Pottinger had not said, "this conquest so unjustly obtained," although he evidently thought it. It had been retained for two years. Then we were in possession of Kurrachee, of Sukkur, and of Shikarpore. The question to be determined was, whether or not we were to give up those possessions which Lord Auckland had taken, which Lord Auckland had declared he would retain, and which there appeared to be no intention of ever giving up. Kurrachee had been taken decidedly by force of arms. Under these circumstances, what was Lord Ellenborough to do? He decided, as a matter of policy, that we ought to retain the possessions which we had acquired on the Indus. And, after he had come to that conclusion, then came the question—not the question narrowed down too much by the noble Lord, although he was willing to admit the great injustice that had been done to those unfortunate people—but then came the question whether, under the circumstances, Lord Ellenborough could, in policy, or in prudence towards our Indian empire, have withdrawn from the Indus. It struck him (Mr. Roebuck) that the conduct of Lord Ellenborough on that subject was in conformity with our whole conduct in India. There was not a particle of our Indian empire that had not been obtained by — he was going to say dishonesty—there was not a particle of that empire that had not been obtained by aggression. From the first day to the present hour, it was an aggression from beginning to end; and the difficulty was, to know where that aggression was to terminate, and how they were to hold together that somewhat brittle but great and glittering machine. It was a fabric, he knew, which attracted the world's attention, and perhaps the world's envy; but assuredly the time would come when we should find our

Indian empire a dangerous acquisition, and when we should find that the outrages which we had committed would be righted by that justice which ever followed such acts. But he could not get over the difficulty of the question which they were then discussing; he wanted to know whether under the circumstances it would have been politic on the part of Lord Ellenborough to have given up Scinde after he had been driven from Affghanistan? Were we to declare that we had been beaten in Scinde also? He knew that we ought never to have gone beyond the Sutlej, and therefore he charged with want of wisdom the noble Lord, the late Governor-general of India, for having gone beyond that frontier. He charged him with having thus done an injury to British interests. But afterwards, he said, that that entailed a fatal necessity upon his successor from which he could not escape, and it did not then become the Members of the late Administration to turn round and say, "You are unjust in doing that which we ourselves actually did; you are impolitic in doing that which we ourselves did; and you are in every way worthy of blame, because you consummated the evil deed that we had commenced." It was, he repeated, a fatal necessity, a direful evil, one only to be in any way whatever borne out by showing the vast, dangerous necessity, under which the Governor-general was placed when he arrived in India. And now came the consideration, whether the determination to remain in Scinde was not beyond the noble Lord's control. In the first place, it should be recollected, that Major Outram suggested to the Governor-general that he had discovered circumstances connected with the two Khans, and the Ameers generally, which, to use his words, would justify him in punishing them; and he proposed a new treaty to be again negotiated with the Ameers of Scinde. On the 21st of June 1842, Major Outram wrote—

"In continuation of my despatch of yesterday's date, I beg leave to submit for the consideration of the Governor-general, the grounds which I would suggest for renewing negotiations with the chiefs of Scinde, and the terms I would propose to remedy the errors of our present position in that country, and to insure security and advantage for the future. 2. I respectfully premise, that I think it would be necessary to show, as a ground for requiring new arrangements, that we have of late been exposed to the inimical intrigues of some of the Ameers; that, therefore, we are called upon to demand such arrangements as will insure security for the future to our power and to our commerce, which, as at present situated, is liable to be interrupted. 3. The evidence which I have already submitted to Government, even if deficient of legal proof, gives, I consider, sufficient data for suspecting that intrigues were in progress to overthrow our power, and to authorise, consequently, our now taking the precautions necessary for self-preservation; and it cannot be denied that, as at present situated in Scinde, our military positions are insecure, and our communications liable to be cut off. 4. These considerations would, I should suppose, justify the dictation of our terms to the Ameers, although generously at the time relinquishing for ever, as an equivalent for what we justly assumed the right to demand, all pecuniary claims we possess on them, and even making up to such chiefs as we have no claims against what we estimate they may sacrifice pecuniarily by this arrangement. 5. If I am allowed to communicate with the Ameers on the above grounds, I anticipate little difficulty in satisfactorily concluding the arrangements desired by his Lordship, before the army returning from Affghanistan passes through Scinde; otherwise it may be impracticable to induce the Ameers to concede what is required on the mere ground of mutual advantage, for scarcely any return would induce them to wave their prejudices against making over Kurachee, and allowing any infringement on their Shikargahs."

Now, first, there had been a constant breach of the commercial treaties by the Ameers; they had not paid the tribute they had undertaken to pay; they had not kept the treaty the stipulations of which they had undertaken to observe. The mode in which that treaty was forced upon them he did not defend; but the commercial treaties were not forced upon them—they had agreed to them without force; yet, notwithstanding, they continually committed breaches of them. What then took place? The noble Lord said, the treaty was framed and imposed on the Ameers of Khyrpore, by which a certain portion of their hereditary territory was taken from them. Did the noble Lord (Lord Ashley) know that Roostum Khan never had any hereditary dominions? They belonged to Bhawulpore. But the noble Lord made a point of referring to them as hereditary territories. [Lord *Ashley:* "No."] Now, with the exception of the cession of Bhawulpore, referred to by Lord Ellenborough, nothing more was proposed to the Ameers than what had been before proposed to them. On the

28th of June, 1842, Major Outram transmitted to the Governor-general a sketch of the proposed treaty with the Ameers of Scinde, in which was this article:—

"The fortress of Bukkur and neighbouring small islets are ceded to the British Government in perpetuity."

Again, another article said:—

"The British Government is allowed to cut and consume for steam navigation, wood growing within 100 haths (cubits) of the river bank, and to clear the bank of jungle for that space, due precautions being adopted to prevent trespass beyond that limit."

They had heard much of the Ameers having been deprived of their hunting grounds. Yet here was a proposal by Major Outram to cut wood within 100 haths of the river bank, due precautions being taken to prevent trespass; so that the very provisions afterwards proposed by Lord Ellenborough to the Ameers, and which Major Outram afterwards offered at Hyderabad, were precisely the same as those which he had previously recommended. The noble Lord said, that the great objection raised by the Ameers at Hyderabad was, that the papers had not been brought before them. The mere effect of those papers was a feather in the scale. He was not attacking the Ameers for their injustice. He did not mean to say that they had not a right to drive us out of Scinde if they could. His question was, what was the proper conduct of a person coming among them, and finding himself surrounded by those difficulties? He would here give a history which the noble Lord had not given. Roostum Khan, for whom the noble Lord demanded the pity of the House, was an unhappy man, eighty-five years of age, who was entirely under the control, if not at the command, of his minister. That minister Major Outram proposed to drive out of the country, making his deposition a part of the treaty. The succession in Scinde not being from father to son, but from brother to brother, it would not be the son of Roostum Khan who would succeed him, but his brother, Ali Morad. At the time that General Napier arrived in Scinde Roostum Khan was in the hands of his family and his minister, and at the same time, the Beloochees were assembling in arms, for the purpose of preventing everything that Lord Ellenborough had determined. There was from Lord Ellenborough a half command to enforce the treaty by means of arms, should it be necessary. Twenty passages, one after another, could be pointed out, in which Lord Ellenborough said—

"I don't think you could carry out the Treaty without force; if force be necessary, use it for the purpose."

And, really, giving, as he did, every consideration to the misfortunes of these people, he must say, that it appeared to him, the sooner the consummation of their fate took place the better. Was it not the inevitable fate of Scinde—the protected state, as Lord Auckland had made her—to be sooner or later absorbed in our Anglo-Indian empire? And if so, was it not better, that the event should take place at the time, and under the circumstances already pointed out by the Government of India? Her long agony was on—negotiation after negotiation had taken place—there were constant disputes, riots and confusion; and all things tended to that result which had since occurred, namely, that Scinde must become part and parcel of that enormous dominion, which we, the successful invaders, had created in India. And was it not clear on the face of the papers, that there was another part of the territory of India which, in spite of ourselves, would become ours? He knew it was said to be injustice to do this, but why did not we altogether get out of India? Was not the whole thing injustice from the beginning to the end? Why (continued the hon. and learned Gentleman) I am a prophet! I say you will possess the Punjaub in less than two years in spite of yourselves. [*Laughter.*] My hon. Friend may laugh; but remember I said two years ago, you would have Scinde, and Scinde you have! Now, mark my word. In two years we shall possess the Punjaub. And then, doubtless, we shall be told of the injustice. Unjust, undoubtedly, it will be, but then all our Indian dominion has been acquired unjustly and unwisely. But to return to the point from which he had diverged. Roostum Khan wrote to Sir Charles Napier, saying, he saw himself surrounded by his sons in arms, and praying him to come to him. Sir Charles Napier replied, that he ought to go to Ali Morad. He did go, and there he surrendered in due form, the throne to Ali. Ali became friendly to England, and Sir Charles Napier expressed a wish to see Roostum.

The passage read by the noble Lord, where Sir Charles spoke of going so close on the traces of Roostum, referred to the time, when Sir Charles was so desirous of seeing him, in order to know if any violence had been used to compel him to descend from the durbar. Sir Charles saw Roostum, who proposed to come to him the next morning, instead of which he fled to Hyderabad. Ali was now the sovereign, and he attended Sir Charles to Hunmuntgur. Ali himself fired the guns on that fort. He gave Sir Charles full authority to destroy it; and it was destroyed. Here was the actual *de facto* sovereign attending the English army, giving authority to destroy the fortress, and then Sir C. Napier determined to advance on Hyderabad. It was a favourite argument on that (the Opposition) side of the House that this advance of Sir Charles caused the attack on the resident's house, and thereby brought on the war. In reply to this charge, he would read what Sir C. Napier, in his letter to the Governor-general, says:—

"Major Outram, being at Hyderabad, sent me two (or three my journal says, but I can find but two) despatches by express on the 12th, to assure me that the Ameers had not any armed men except their usual personal attendants, and that those were not more numerous than Indian Princes of their rank would move with in time of profound peace. At that moment, the army of the Ameers was assembled at Meanee, only six miles from Hyderabad, and were preparing their position. At the moment he was writing those despatches to me, his house was surrounded by 8000 Beloochees (who had eight pieces of cannon), preparing for their attack on him on the 15th of February. Major Outram wrote to ask me to go to Hyderabad alone to meet the Ameers. He proposed my sending my troops to Meerpoor. Had I allowed myself to be guided by Major Outram my own throat and his, and the throats of all of us, would probably have been cut, and the army left without a leader at Meerpore, forty miles from the river which formed the line of communication by steamers between Sukkur and Bombay, and when thus isolated would have been attacked by 60,000 men, pushed back into the desert, and there have miserably perished."

At the time Sir Charles advanced on Hyderabad, his spies told him there were 35,000 men in arms on that side, while Major Outram told him there was not a single man in arms. Major Outram asked Sir Charles to stop for a certain time, and he did stop. He then asked him to send his army to Meerpoor, and come alone to Hyderabad, saying that this would remove all difficulties. What was Sir Charles Napier's answer? Why he said, "Yes; and remove my head at the same time." He mentioned this in order that no blame might rest on that gallant officer. Fancy him obeying the political agent at that time. Fancy him destroying an English army, throwing them into the desert. What would you have said then? But he, more knowing than those knowing gentlemen who speak but cannot read Persian, more knowing in diplomacy than the diplomatists themselves, saw the real force before him, sounded the depths of the danger, and determined, by holding the force which he possessed, to command that respect which the other thought he might obtain without exacting it. If Sir Charles Napier had gone alone to Hyderabad, a scene of terror and dismay from Cape Comorin to the Himalayas would have been the absolute consequence. And this was the man who brought all his views to bear while the difficulties of his situation were pressing upon him—difficulties unknown to carpet knights while discussing at their ease and in perfect freedom the consequences of his proceedings—this was the man who, rising above his age, remembered the true part which we ought to act in such a scene and under such circumstances, who fought at a disadvantage of ten to one and gained the victory, and who, by listening to the very same political agent, was obliged to fight the second battle because he was arrested in his course by a paltry diplomacy. The battle of Hyderabad was in consequence of that resolution, and Ameer Mahomed was thus enabled to collect another army of 30,000 men with which to try the chances of another battle. If any accident had occurred to his old and gallant friend see what, under such circumstances as these, would have been the consequence to our boasted empire in India. He gave the noble Lord the fullest credit for his intentions, but he did ask his countrymen, and he did ask that House, to give to Sir C. Napier that great meed of praise which he so justly deserved, and weigh not scrupulously, but with generous feelings, the heavy responsibility of his situation. When Major Outram asked Sir C. Napier to allow him to go to Hyderabad, his answer was, not to go without a guard of soldiers. Major Outram believed he had personal interest at Hyderabad. What! with men

whom he had forced into subjugation? Did he suppose he could check 60,000 men in their career? Sir C. Napier's advice to the Agent was, to take troops with him in order to guard against treachery. An European company was taken; and had it not been, Major Outram would not have lived to give any one his advice and assistance. With regard to the contents of the foot-notes, he did not see how the noble Lord could with justice have made the reference to them he did in connection with Sir C. Napier.

Lord *Ashley* said, he did not mean to charge Sir C. Napier with injustice. What he said was, that the production of those foot-notes by the Government, without a statement of the circumstances connected with them, was unjust to Major Outram.

Mr. *Roebuck* said, he held in his hand a letter, which had been communicated to him for use, and which in the exercise of his discretion he felt justified in reading, which contained the substance of those foot-notes. It was a letter from Sir C. Napier, it ran thus—

"Hyderabad, July 22, 1843.

"My dear Outram.—Before I proceed to discuss other things, I shall begin by observing that in one of your letters, you twice remark, that you had only received a short note from me. Now, the only letters I have received from you, and not answered, are those of the 8th and 20th of March. The first, and yours describing your visit to Lady Napier, at Mahabulishwur, I only got a few days ago! so it is idle to refer to any letters but those actually received. I could not reply to yours of the 20th sooner. That of the 30th reached me as I was going out against Shere Mahomed—that of the 8th I have had only a few days. If I had not a most sincere regard for you, I should have no anxiety at all. However, I will state all that has passed, and you must judge how far you are right or wrong. I am placed in a situation where, in my own defence, I must state all that passed between the 8th and 12th of February. I am attacked both in the public papers and in private letters. I am accused of forcing on the war because I did not allow myself to be advised by you to halt. I am said to have attacked the Ameers after they had signed the treaty; and about four days ago I had a letter from Lord Ellenborough, saying he had received from the Select Committee, notes of conversations between you, as Commissioner, and the Ameers, and asking if I ever heard of them; expressing his surprise at now hearing of them for the first time. At the same time, private letters have said, that I am supposed to have intercepted reports made by you, which ought to have gone to the Governor-general. How these notes got into the hands of the Secret Committee, I do not know, nor do I care the least; but the results are; First, that Lord Ellenborough evidently attaches importance to them; and as I never sent them to him, I appear, until he gets my explanation, as if I had concealed what passed from his Lordship for the purpose of forcing the Ameers to battle. Second, Sir G. Arthur also attaches importance to them, in consequence of his conversation with you, and from their own contents, for he sent them to Lord Fitzgerald. Third, the Secret Committee attaches importance to them, because they have not only sent them to Lord Ellenborough, but caused them to be printed. My position has therefore this appearance—that I intercepted most important papers, which, had they reached Lord Ellenborough, might have prevented the war; or even if I had been induced by your advice to halt, and to act differently from the way in which I did act, the war would not have broken out; and worse, if worse could be, that I so betrayed Lord Ellenborough, who had placed unbounded confidence in me, and given me the utmost possible support in every way. This was the position, I say, in which the letters from Lord Ellenborough and Sir G. Arthur, must have placed me in my own and their opinions, and this is the position in which the printing of these notes, if they become public, must place me in the opinion of the world. Now, it is clear, that if such was the state of the case, I might perhaps be allowed to lay claim to courage and to some degree of military skill, because success will give a man so much credit; but assuredly I could never pretend to honour, to humanity, or to be trusted with the slightest diplomatic transaction; in short, I should be deservedly execrated as a resolute scoundrel who had sacrificed everything to military glory, and turned a deaf ear to the supplicating cry of injured and betrayed princes. This would be my position in face of the public, supposing that there be a word of truth in the whole story. That there is not it was necessary to show to Lord Ellenborough and my friends. I therefore directly answered Lord Ellenborough thus:—First, that I had only received two of the conversations, and I believe the third had been intercepted. Second, I sent him the copies of those notes prepared on purpose to transmit to his Lordship, with the probable reasons why they were not so sent. Third, I forwarded to his Lordship your demi-official letters between the 8th and 13th of February (first examining them to see they contained nothing private). Fourth, I told him my reasons for not halting were, that I knew the assertions contained in those conversations to be false, as respected anything I had done, especially Roostrum's assertion that I had made him give himself up to Ali Mourad; and that I thought, when you showed that assertion to Sir G. Arthur, you

should also have showed him my contradiction of it. (Perhaps you did?) Fifth,—That your wanting me to halt, and twice in one day and once in another, telling me the Ameers had dispersed their forces, when I knew they had not, convinced me you were deceived by the Ameers; that your wanting me to go to Hyderabad without my army added another proof to the conviction that they had deceived you; finally, that your proposing to me to march the troops to Meerpore completed the proofs. Sixth,—That important letters I found on the Murree chief, Hyat Khan, coupled with my secret intelligence, and a comparison with the Ameers' anxiety that I should halt, proved to me past all hesitation or doubt that they were only trying to gain a day or two that they might bring 50,000 men to Meanee instead of the 25,000 which they had there; and now our subsequent knowledge of events makes that a matter of history. Therefore had I halted I should have lost the army unless saved by a miracle; and if the forces had got to Meerpore and lost the line of communication with the Indus, it would have been equally destroyed. Now you, a major without much experience of war, may well be excused for such errors; but I, as an experienced general officer, could have no excuse, and should be very justly condemned. For these reasons I stand acquitted for not attending to your advice. Finally, I have told his Lordship my reason for being silent, and not keeping him informed upon these matters with that exactness which I did on all others. That reason was, that I thought it would injure you in his Lordship's opinion, and this I was anxious to avoid. Afterwards I gave that up, because it was evidently out of the question; so that when, not long ago, he wrote to tell me he heard you were going to apply for employment again in Scinde, I told him I was sure you were not going to apply, because our ideas of the politics of Scinde were so adverse that our working together was impossible. Now, my dear Outram, whether it has been you or your friends who have pushed this matter ahead I know not; but it has been done, and I necessarily have defended, and will defend my conduct. 'It has been done,' as Lord Fitzroy Somerset very justly says in a letter to me, speaking of the attacks of the press, 'It has been done to attack Lord Ellenborough through you.' All this has passed within a few days, except the attacks upon me in the papers (especially the *Bombay Times*). They have long been at work, but I did not condescend to defend myself against them; nor, indeed, had I time. Having now told you all that has passed, I shall refer to your letter, dated March 20. You are angry that Lord Ellenborough did not thank you for your exertions during the short time you were commissioner; and you say you are sure I reported to him all your exertions. My answer is, that I did no such thing. I studiously avoided mentioning your name to Lord Ellenborough, as I was well aware, that my appointing you commissioner was contrary to his opinion; from all you had told me I judged this. You were not his selection; and I have heard that he was surprised to learn that the papers, without contradiction, held you up as having powers in Scinde. If any one had to thank you it was me, I did so in my despatch. As to your political exertions they failed. My advance is said to be the cause of that failure; to thank you for them would have been to condemn myself. Now I entirely differed with you, except in your wish to prevent blood being shed; but even there we differed in our motive. I did it from humanity alone, thinking the war policy of Lord Ellenborough perfectly just. You wished to keep the peace, because you thought the policy unjust; and, as you said to me, 'every drop of blood shed you thought was murder.' Of course, in despite of such feelings, you exerted yourself, as you were bound to do, after accepting the office; but I confess I see nothing in that which particularly calls for public thanks. Suppose the Ameers had made peace, and no battle had taken place, should I have thanked you, or expected Lord Ellenborough to thank me? Certainly not. I should have expected no such thing. My view of thanks is, that they are only to be given for great success in battle, or for long series of brilliant civil service. I confess I cannot see how it casts the slightest reflection upon you, but I think your wishing to moot the question is injudicious. I did all I could to avoid the question being brought forward; but it has now been done, and we must both abide the public judgment; for, assuredly, I never will allow it to be ever hinted at, without a flat contradiction, that I have led Lord Ellenborough into error; that I deceived him; that I was unequal to the high position in which Her Majesty placed me as a general officer. Even the affection of a brother should by me be swept away in a question involving my honour and military character. If you were wrong, it was an error of judgment; if I was wrong, it was either a criminal sacrifice to a thirst of military glory, or a total ignorance of my profession. This brings me to another matter. The violence of a party against Lord Ellenborough at Bombay, leads it, I hear, to say I made my promised account of your defence of the residency, and that Lord Ellenborough 'burked it.' This is false. I did mean to make it; and I do mean to make it; but I never said when, nor can I now say. I have not time to devote at least ten days to make a good dissertation on the defence of outposts, giving that of the residency as an example in all its details. You know the heat here, and that the operations I have carried on military and civil, since the capture of Hyderabad preclude all work which is not absolutely necessary. Nevertheless, I do mean to write an essay on the defence of the residency when I can. I can assure you that this busi- of defending my conduct has given me more

pain and annoyance than anything that has happened to me in Scinde.

"Believe me to be, &c.

(Signed) "C. J. Napier."

"P.S.—I beg you not to mistake me. I neither do nor have a right to object to your defending both the cause of the Ameers and your own exertions; nor am I at all worried at any one else defending them. I only mean to say I must defend myself; and if the public takes a different view—if it pronounces that you were deceived—it has not been my doing, but that of those who have placed me on my defence."

At the time these papers were written, Shere Mahomed had been negotiating with the Ameers, and it was the gathering together of their army that within a few days had forced Sir Charles Napier to Hyderabad; but into the palaces of the Ameers he had never entered. While there he was obliged to live in a tent, whilst all around were places cooled by artificial means, tempting, and unoccupied. It had appeared to the gallant General unworthy to intrude into the palaces of the fallen princes, or interrupt their privacy. This was conduct which would be regarded as characteristic, by those who knew the combination of daring, bravery, and of kindness almost feminine which distinguished that gallant Officer—in whom was united the courage of a lion and the gentleness—the heart—of a child. I have reason (added the learned Gentleman in a tone of emotion) to say this, and I say it emphatically and with feeling. Let it be known, further, that the ladies of these princes had refused to accompany them into their captivity because of the horrid cruelty with which they had been treated by those tyrants, who, lustful as well as cruel, had torn those unhappy women from the arms of their parents; and, when at liberty, had they chosen to accompany their oppressors? They exclaimed against it; and Sir Charles Napier now has in his possession the instrument of cruel torture used by these barbarous tormentors—a whip made with brass wires—upon their defenceless victims. [*Sensation.*] "Yes! it is a fact! I cannot show it to the noble Lord (Lord Ashley), but the fact is so!" I now come to the third point. A great deal had been heard on this subject upon the score of "humanity." Of course, the cruelty of the Ameers would not justify injury towards them. But he did say, that if it should appear that the Ameers were the most horrible tyrants that ever digraced perhaps any age or clime, it would assuredly be some alleviation to the evil effected by our invasion, that it had not affected the people whom we had rather rescued than injured. The people of Scinde were composed of three races, differing materially one from another. A large body of the Scindians were converts from Hindooism to the faith of Mahomet; another portion still adhered to Hindooism; and the third part consisted of the Beloochees, who were the governors of the country. He would give a few extracts from letters describing the state of things in that country. The Beloochees were robbers, were always armed and would never work, but forced the Hindoos, who were their slaves, to work for them. One of the letters to which he referred, said—

"We have had continued rain for many days, not known for fifteen years before. The feeling that this has produced is very extraordinary. They say when the Ameers murdered the Kulloras, for that is the term the Scindians apply to the Beloochee conquest, that no rain fell for six years, and there was nothing but famine and misery in the land to show God's displeasure. This has been the universal belief even among the Beloochees. The present extraordinary fall has, therefore, produced the idea, in every part of Scinde, that God has sent it to mark his approbation of our conquest, and that the Ameers are overthrown. We are now looked upon as a favoured people, and this, joined to our rigid discipline, and the giving them all their possessions back, and reducing taxes is, I firmly believe, (and indeed the general opinion appears to be so) giving us a firm hold upon the affections of the people, Beloochees, Mahometans, and Hindoos alike, which, in four months after a desperate battle with the first of these people, is as much as the bounds of possibility admit of. Besides, in this land, where five months ago every Beloochee went strutting about armed with sword and shield, no man now carries a weapon but a chief. To the chiefs I gave their swords back, to avoid wounding their honour."

This was the officer who had been called "harsh" and "cruel!" Let it be observed now, that these swords were by conquest in the general's possession; that they would have been articles of great value in any gentleman's possession, particularly in his own; that their value was what money could not represent. In another part of the letter it was stated,

"I am now going, if Lord Ellenborough agrees, to make all these jaghires their own property, to give up the right to turn them out, and

to exchange the power to demand military service for that of assisting to open water-courses or nullahs as far as they run through their lands. If I hold the government right to military service I should continue their right to maintain armed retainers, and I have forbidden the carrying of arms,—not by proclamation, because that I feared would excite apprehension, but practically. I seize every man who is seen with weapons, disarm him, and give his arms to the soldiers as plunder, and the wearer is then liberated. When once they see I want to secure their jaghires as personal estates they will be delighted, for the Ameers kept the right to turn them out. It happened constantly, a favourite placed his eye on a jaghire, and if the jaghidar was not a greater favourite, out he was trundled, neck and crop, unless he could raise a large force to resist, which was not seldom. But there is work for the life of an antediluvian in this country. All I can do in my short time is to stop murder, form a strong police, and fortify a few important posts. If I can mark out a few roads, especially into the Delta, which will be our 'La Vendee,' if we have disturbances, I shall be lucky, and I also think I may secure this great point I have at heart, that of turning the military chiefs into small farmers; or, in plain terms the robber and his band into farmers, all being small proprietors. Now, he, the Beloochee, holds his jaghire, his sword, his matchlock, and his shield. He does no work, all his smaller jaghidars and dependents have their arms; none work; each has his Scindian slaves, or Hindoo slaves, and he-labourers, receiving about two-pennyworth of grain in kind for a day's labour. Both masters and slaves are noble looking, fine men. I never see a pretty Scindee woman. Perhaps the richer ones are so. The poor are perfect monsters. It is really disgusting to look at them, but this I suspect arises from the state of abject slavery to which their Beloochee masters have reduced them in fifty years, for I see some fine features, but with the look of despair in every line of their face. Mind these are Scindian women—the Beloochee women are never seen. This is a wonderful land, unlocked to civilisation—unknown to the world—and teeming with resources by nature rich. The more I see, the more I rejoice, at whatever hand I have had in the overthrow of these villains of Ameers. I think when we establish barracks and good houses this climate will be fine and healthy, but at present we have not proper protection; as to carpenters, smiths, &c., there are none. The Ameers drove them away; if one was employed, the Ameers took half of his wages, and from the other half he had to make a present to the tax-gatherer, who took the half. So they left the land. No man but a Hindoo could earn his bread, and they are regular Jews. When any one was too rich to conceal it, the Ameers gave gentle persuasions and lightened him of it according to the value he put upon his eyes, nose, ears, and other matters, which he was obliged to bid for with his own money! My new police will be chiefly Scinde, both horse and foot; only slavery has, I fear, made them cowardly, but by mixing them we shall get things right, but not in my time. The progress of improvement in activity is slow everywhere, but in this exhausting climate almost hopeless; a man who can live on a handful of grain, and will not work a stroke while he can live without it, is a hard fellow to deal with. An increased population will increase the price of food and give a stimulus to exertion, for it is in them, and, as far as the Scindians were concerned, the Ameers took it out of them also. The Beloochee struts with a shield and sword; the Scindian sleeps till kicked out of his dreams; the Hindoo goes about all eyes, and fingers as supple as his conscience, robbing everybody."

Such was the account of a man who was on the spot and saw things with his own eye. What, too, said Colonel Pottinger? He said,—

"They (the Scindians) are avaricious, full of deceit, cruel, ungrateful, strangers to veracity; but, in extenuation of their vices, it is to be recollected that the present generation has grown up under a government whose extortion, ignorance, and tyranny, is possibly unequalled in the world. Among the people of the countries bordering on Scinde the term 'Scindian dog' is synonymous with 'a treacherous liar.' This feeling has gained ground greatly of late years, from the abhorrence with which the government of that country is regarded. They are execrated by the peaceable classes of the community for their imperious conduct; they, on the other hand, hate the princes by whom they are governed. It would be difficult to conceive a more unpopular rule, with all classes of their subjects, than that of the Ameers of Scinde; nor is the feeling disguised; many a fervent hope did we hear expressed in every part of the country, that we were the forerunners of conquest, the advance guard of a conquering army. The persons of the Ameers are secure from danger by the number of slaves they entertain around their persons."

Would it be just, after all this had happened to Scinde, to call back the Talpoor dynasty? Speaking of the possible fate of the Talpoors, Burnes says,—

"They might prevent for a while conspiracy or rebellion, but the misfortunes of the house of Talpoor would excite compassion nowhere, for their government is unpopular with their subjects, and dreaded, if not hated, by the neighbouring nations."—vol. —, p. 216.

He agreed with the noble Lord in wishing every alleviation to be afforded to these unfortunate individuals, and this he felt confident would be done. But when

the noble Lord appealed to "that of which (said the learned Gentleman) I know something—the conduct of the British Government to the children of Tippoo Saib—let it be stated, that they were long imprisoned, though certainly with courtesy which civilisation dictates towards imprisoned princes; these children of a sovereign slain in battle were kept in confinement and deprived of their dominions. And what a different position is ours now? Such has been the rapid course of conquest! The same Government that subjugated Tippoo Saib has subjugated the Ameers of Scinde; and the same civilisation that induced Lord Cornwallis to deal kindly with the children of the slain Sultan has governed the conduct of Lord Ellenborough towards the deposed princes. Nor can I believe, that an English ruler, however wrong may have been his judgment, however erroneous his principles, could ever work foul wrong and cruelty to unhappy defeated rulers. I will not believe he would act with any inhumanity, or at all beyond what was absolutely necessary to prevent their return. I firmly believe, that he has shown every consideration for their distressed situation. Sir, I believe I have now travelled over the various topics to which I intended to advert. It strikes me, that in the origin of this war there was very great injustice and great want of discernment; that unnecessary negotiations were carried on under Lord Auckland with unnecessary harshness; that injustice and cruelty resulted; but that the position of Lord Ellenborough was totally different; that he had great difficulties pressing upon him; that his policy proved, through the original errors committed, fatally and necessarily injurious; and that evil was thus entailed upon him by his predecessor. But we find that, after all this blood had been shed—after all the mischief had been done—to allow the country to return to its original condition would be deserting the people on whom we have so thrust ourselves; that humanity and justice command us to hold our dominion over those who have every reason to rejoice in their liberation from the tyranny of the deposed dynasty; we cannot think but that our sway is mercifully substituted for that of those barbarians (I use not the term offensively, but merely as descriptive of their rude character as rulers) whose dominion no doubt it was unjust originally to disturb. One word upon the form of my resolution. This is too large a question, and far too important to be discussed without the expression of an opinion upon it on the part of this House, and my resolutions are framed with a view of affording an opportunity of fully expressing that opinion. If the proposition of the noble Lord be negatived, these resolutions can be put *seriatim*: and the House will be enabled to decide on each step of these unhappy events—first whether Lord Auckland was wrong; secondly whether Lord Ellenborough was right; thirdly, whether it would be wise and just to reinstate those unhappy princes whom by force of arms we have now deposed." The hon. and learned Member concluded by moving his amendment as follows:—

"That the conduct pursued by Lord Auckland as Governor-general of India, in his negotiations with the Ameers of Scinde, was unjust to those rulers, and impolitic with respect to British dominion in India.

"2. That the policy adopted by Lord Ellenborough towards those same rulers, was the unfortunate but necessary result of the unwise and unjust proceedings of his predecessor, a deplorable consequence to be justified only by the dangers which then threatened the very existence of our Indian Empire.

"3. That while the restoration of the Ameers to their former dominions would be dangerous to British interests, as well as calamitous to the inhabitants of Scinde, and therefore impossible, humanity requires that these unfortunate princes should receive every consideration and comfort which is compatible with the peace and security of their former possessions, now forming a most important frontier of our eastern dominions."

Mr. *E. Tennent* then rose. He commenced by alluding to a speech of the right hon. Member for Edinburgh in that House some ten years ago, in which he mentioned not less truly than happily, that such was the proverbial apathy in this House to eastern affairs that a riot in Coldbath-fields was more likely to enlist its attention than the news of a battle and a victory in India; and although the attention manifested by the House that evening proved that in a remarkable degree, that cause of just complaint had been removed, and although the events and the policy of our Indian empire had in late years engrossed a more than ordinary portion of public attention, yet he felt that the House was still but an inadequate tribunal to which collectively to appeal upon a question such as this; a question, in this instance, from the nature of

the subject, which was so interwoven with minute and contradictory details, and comprehending events spread over so very large a portion of time, that to form an impartial judgment upon it, uninfluenced by the appeal to their commiseration which had been made by the noble Lord who opened this debate, it would require not merely a careful perusal, but a careful collation of the papers upon the Table, and a perfect comprehension not merely of the condition of Scinde, but of the political position of India at the period when these events were in progress. He could hardly persuade himself that the majority of those whom he addressed had so qualified themselves for the decision which they were called upon to pronounce; and the more especially when it was borne in mind that the papers upon the subject had not yet been even one week in the hands of the Members of that House. With one portion, however, of these voluminous details which had been brought before the House that evening it was not his function nor his intention to interfere. He did not agree with the hon. and learned Member for Bath, that the question was necessarily connected with any considerations arising out of the early policy of Lord Auckland towards Affghanistan or towards Scinde; the justification of the present Governor-general of India was not contingent either upon the inculpation or the acquittal of Lord Auckland. Other Members of that House might be disposed to undertake either the one or the other; but on that subject he abstained from offering any opinion. The case as it concerned the administration of Lord Ellenborough and his policy towards the Ameers was confined to those events alone which had been in progress since the ratification of the treaty of 1839, and since that noble Lord undertook the government of India. For those alone he was responsible; and regarding as he did the policy of Lord Auckland towards the Ameers of Scinde as complete, and concluded by the ratification of the treaty of 1839, he held, that their subsequent deposition must be justified or condemned by their subsequent acts, and by that line of proceeding which Lord Ellenborough, under the provisions of that treaty, felt called upon to adopt on assuming the protection of Scinde. The noble Lord had assured the House that it was mainly the letter, or rather the assumed letter, which he had quoted from Sir H. Pottinger, which had impelled him to bring forward the motion: but he entirely concurred with the hon. and learned Member for Bath in the belief that that letter was not, and could not be, genuine. He could not persuade himself that that letter was in reality the production of Sir H. Pottinger, or that an officer high in the confidence of Her Majesty's Government, and administering one department, could so far forget himself as to write such a document, condemning, in such marked terms, the administration of another. But, in addition to the external evidence, there was internal evidence in this letter itself to show that it was not, and could not be, genuine, so entirely was it at variance with the recently recorded opinions of its assumed writer. The noble Lord had said, and said truly, that there was no man living who so well understood the character of the Scindees and their rulers. In that opinion he most cordially concurred. Sir H. Pottinger seemed to him throughout the whole of the proceedings in Scinde, from 1833 to 1840, to have seen with the most keen penetration the inmost character of the Ameers, and to have been fully impressed with contempt for their vices and their weaknesses. He could discover no one sentence throughout this volume of papers in which Sir H. Pottinger spoke of them otherwise than as they merited; and he even forewarned them of the probable termination which had actually overtaken them in their despicable career. What was the character which Sir H. Pottinger gave of these very men whom this pretended letter now described by the endearing epithet of his "old friends?" In writing to Lord Auckland, as to the difficulty of his negotiations, in 1838, he says—

"I hope his Lordship will not suppose from the tenour of this letter that I am exaggerating the existing difficulties, or raising up imaginary ones. My best exertions, I need hardly say, will be devoted to carry the objects of the British Government amicably; and had I one or even two princes (however obtuse in intellect they might be) to convince, I might hope to succeed. Here I have, I may say, to deal with a whole nation, divided into parties, or split into deadly feuds, headed by uncivilized and barbarous chiefs, to many of whom nothing would be so agreeable and cheering as a state of anarchy and warfare."

(The hon. Gentleman here referred to other passages in the letters written by Colonel Pottinger, for the purpose of showing that he had spoken of the Ameers in terms quite inconsistent with the supposition that he could at any period designate them as "his old friends.") Such

being Colonel Pottinger's personal opinion of the Ameers, justified as it was by evidence and proofs of their conduct, he could not believe in the genuineness of the letter to which the noble Lord had referred. The noble Lord and the hon. Member for Bath had each gone with great particularity into the events of our early intercourse with Scinde, and he would follow the noble Lord into that detail, but for a very different purpose, for the purpose of exhibiting that the same system of treachery and bad faith which had now led to the overthrow of the Ameers had been their habitual policy and demeanour towards this country from the earliest moment of our intercourse. Not only were the proofs of each recent act of treachery and hostility against us on the part of the Ameers clear and conclusive—not only did we possess unquestioned and convincing evidences of their guilt; but the facts themselves which had come to light—the individual conduct of the Ameers—their avowals of feeling, and their demonstrations in action, were in such entire consistence with all our past experience of these singular chieftains, and so accordant with the demeanour and policy which they had maintained towards us, from the very earliest period of our intercourse, that even were distinct evidence wanting as to their motives and designs, the bare inference of their guilt, did we rely on it alone, was so irresistible, that it would almost suffice to convict them in the absence of more demonstrative proof. Even before the British had entered into diplomatic communication with them, and whilst the servants of the East India Company visited the Indus only as merchants and traders to dispose of their goods, the English commercial agent, who had been induced to take up his residence at Tatta by their special invitation, was rudely driven off in 1800, without quarrel or complaint, by the father of one of the present Ameers, under a threat of personal violence if he delayed his departure beyond ten days. In 1809, when our Eastern possessions were threatened by the intrigues of France, and it became essential to secure, if not the active alliance, at least the friendly neutrality of the states upon our north-western frontier, the Indian Government found it necessary to enter into a treaty of amity with the Ameers. The negotiations for that purpose were characterised by the most offensive arrogance and positive insult on the part of the Ameers, which the policy of the moment rendered it prudent for us to wink at; and the stipulations of the Treaty were afterwards so regardlessly infringed by the Ameers, that we were compelled in 1825 to assemble a force of 5,000 men upon our frontier, in order to awe them into an observance of their obligations. Our next relations with them were opened for the purpose of negotiating the commercial treaties of 1832 and 1834, providing for the opening of the Indus to our trade; and not only were the articles then agreed on obtained by Colonel Pottinger with the utmost difficulty, after combating the ignorance, the arrogance, and prejudices of the Ameers, but they were coupled with a condition prohibiting any Englishman from settling permanently in Scinde; and, although they agreed to permit a native officer of the Company to reside at the mouth of the Indus for the protection of the merchants, their jealous and vexatious interference so entirely thwarted and neutralized his exertions, that he was finally compelled to withdraw; and so arbitrary were their exactions, and so insecure the transit of the river, that merchants were deterred from its navigation, and the commercial treaties of 1832 and 1834, from which so much good was anticipated to India, were never productive of the slightest advantage. The same vulgar assumption, the same causeless suspicion and exclusion which, down to this period, characterized our purely commercial intercourse with the rulers of Scinde, was manifested in a still more intense degree in our subsequent political relations with the Ameers; and, in proportion as these became important and extensive, they led to a further development on their part of the most gratuitous falsehood and duplicity, of treachery and hatred, and all those vices which were inseparable from the darkest ignorance, bigotry, and barbarism; and he was prepared to show that the exercise of these propensities and the dishonest and dishonourable conduct of the Ameers themselves, were the sole and immediate causes of their overthrow; and that their expulsion and imprisonment were the natural consequences of their own crimes, and not the result of any preconceived policy or territorial ambition on the part of the Government of India. So far from ours being a premeditated aggression, our first political interference with the Ameers was at their own request, and for the purpose of protecting them from the aggressions of their powerful neighbour, Runjeet Singh, who in 1836 was proceeding to take possession of

their territories in Upper Scinde. Lord Auckland, conscious of the duty incumbent on his Government to watch over the political condition of our frontier states, and especially of those which exercised so important a control over the navigation of the Indus, offered them the protection of the British Government they receiving and supporting a British force within their territories; or, should this be objectionable, that they should at least consent to receive a British agent, to be resident at their capital, and conduct the communication with the Governor-general. The latter offer they acceded to. The negotiation was eminently successful. Runjeet Sing at once admitted our interference, and the Ameers entertained our proposition of a resident at their court, in acknowledgement of their obligation for our friendly intervention; but even here their bad faith manifested itself;—in the midst of their ostensible negotiations with us, and knowing that the Sikhs were acting under our direct influence in acceding to any accommodation, the Ameers attempted to open a secret negotiation direct with them, in the hope of obtaining the same terms from them direct, and thus evading the condition they had virtually agreed to accept, of having a British representative at Hyderabad. The plot was, however, discovered. Colonel Pottinger frankly taxed them with their duplicity, and intimated its consequences in the withdrawal of our friendship on any future emergency; and the consequence was, that our interposition was openly acknowledged, an arrangement effected with the Sikhs, and a new treaty formed with the Ameers, in pursuance of which Colonel Pottinger was accepted as the first British resident at Hyderabad. Such, then, were the chiefs with whom Lord Auckland concluded the Treaty of 1839, and in considering the policy of Lord Ellenborough under that Treaty towards the Ameers, there were two leading considerations to be borne in mind—the nature of the existing Treaty as it affected the Scindees, and their own acts in reference to its observance and to their obligations towards the British Government. As to the Treaty itself, whatever might have been the circumstances which led to its adoption, whatever the conduct of Lord Auckland towards the Ameers, there was both internal and external evidence to show that it was neither oppressive in its stipulations, nor calculated to be unpopular in its adoption. Lord Auckland, in communicating the revised and ratified draft of it to Colonel Pottinger in 1839, described it as an engagement, the—

"Provisions of which are so complete, and confer for the first time such signal advantages upon the Ameers, that it should be regarded by them as a great charter, obtained from the goodwill of the paramount power in India, for the security of their independence and their possessions; which they will henceforth hold, on condition of their fidelity and adherence to their present engagements, by virtue of a deed granted them by the head of the British Government in India."

That description of his own Treaty might naturally be regarded with suspicion, as coming from Lord Auckland himself; but it was a signal proof that it was so regarded by the Ameers themselves, from the fact that two years after its ratification, and when ample experience had been had of its operation, Shere Mahomed, of Myrpoor, an independent prince of Scinde, who had not been a party to the Treaty of 1839, and who was one of the most intense enemies of the English, solicited and agreed to pay us an annual tribute of 50,000 rupees, in consideration of his obtaining a similar Treaty with the Indian Government; an application which was complied with, and a Treaty ratified with him in June, 1840. As regarded the practical operation of the Treaty of 1839, they had the testimony of Sir C. Napier, in 1842, confirmed by the accompanying attestation of Major Outram, that although the hostility of the Ameers towards the British Government led them to a

"Resolution to break the treaty in every way, there was a growing attachment amongst the people to British connexion," and "the treaties, if rigidly adhered to by the Ameers, would have rendered those princes more rich and powerful, and their subjects more happy, than they were:"

A connexion between two states, based on a foundation such as this, and regulated by provisions calculated to be popular and advantageous, could only have been rendered abortive by one of two causes—either by arbitrary aggressions upon the part of the protecting power or by malicious and wanton infraction by the other contracting party. But it was justice not less to Lord Auckland than to Lord Ellenborough to insist on attention to the fact, that throughout the whole of this voluminous correspondence there was not one allegation, one hint or insinuation, that in any one particular the stipulations of the treaty of 1839 had been exceeded, perverted, or set aside

by the Government of India—whilst a month had scarcely elapsed from its ratification before it was openly evaded and violently infringed by the Ameers, both individually and as a body. The justification, therefore, of Lord Ellenborough's policy towards the Ameers, and their visitation with war and dethronement, rested solely and entirely upon this, that it was the inevitable result of their own flagrant infractions of their engagements, and their treacherous, malignant, and treasonable machinations against the British Government—practices, not only calling for sound punishment for themselves, but which to have left unnoticed and unredressed, would have produced impressions of weakness and pusillanimity on the part of the British Government — impressions most pernicious and injurious in the eyes of the native princes and people of India, at a moment when our recent reverses had given rise to the most exaggerated ideas of our humiliation, and when as Lord Ellenborough justly observed, notwithstanding

"The adoption of every measure which could have the effect of giving the appearance of triumph to the return of our armies from Cabul, it was still impossible to conceal that it was a retirement from an advanced position; and the first retirement ever rendered necessary to a British army."

The noble Lord, in his statement, had relied mainly upon the evidence or the opinions of Major Outram. In all discussions upon the treatment of the Ameers, much confidence had been reposed, and it most naturally attached to the opinions and views of that officer, who, from his long residence and intimate knowledge of the character of the Ameers, might be supposed to possess access to the best sources of information as to their acts, and to have the best opportunity of judging of their conduct. Upon detached passages, however, of the correspondence of Major Outram two principal allegations had been founded, and formed the *gravamen* of the charge against the Governor-general of India. The one, that in the punishment which he had inflicted he had involved alike the innocent and the guilty in one promiscuous ruin, although there were the most marked lines of demarcation in their degrees of culpability; the other, that the punishment inflicted by Lord Ellenborough in the terms of his contemplated Treaty in 1842 were more than proportionate to the offence. Now, on both these points the evidence of Major Outram himself was conclusive proof to the contrary; and it afforded unequivocal demonstration, not only that all the Ameers were more or less participators in the common guilt, but the punishment proposed was actually that which was, if not suggested, at least cordially concurred in and recommended by Major Outram himself. When he said that all the Ameers had been implicated, he omitted only the question of degree; for there was evidence to show that even Ali Morad and Meer Sobdar, of whom in the universal hostility which prevailed they were accustomed to speak of as friends of the British Government from the comparative veniality of their overt acts, were in reality but a shade (if even a shade) removed from our enemies; that they were all along cognizant of their intentions, and shared in their counsels, and that it was only on the eve of the explosion that Ali Morad, from motives of self-interest, detached himself from our enemies at Khyrpoor, whilst at the same crisis Meer Sobdar, from imbecility if not inclination, joined actively with our foes at Hyderabad. An erroneous inference had been drawn as to the guilt or innocence of all the parties, from the fact that Major Outram in general spoke only by name of the heads of the confederacy, Meer Roostum and Meer Nusseer Khan, who, from their age, their rank, and their influence, took the lead in the revolt—it might therefore be imagined that these alone were the criminal parties; and all others whom he abstained from naming were innocent. But such was not the fact; the entire families of both the branches were equally guilty though not equally prominent. Major Outram in no one instance made a single reservation, except in the cases of Sobdar and Ali Morad; and in numerous passages he stated his ability to bring incontrovertible proof of the criminality and treachery of all the Ameers. On the 8th of May, 1842, he wrote to Lord Ellenborough that he

"Should have it in his power shortly to expose the hostile intrigues of the Ameers to such an extent as may be deemed by his Lordship sufficient to authorize the dictation of his own terms to the chiefs of Scinde, and to call for such measures as he deems necessary to place British power on a secure footing in these countries."

Here there was no reservation, even of Sobdar or Ali Morad; but to show that even these must have been included in his charges, he stated in a similar letter of the 23rd of May, 1842, his belief that there was sufficient proof

"To connect Nusseer Khan and Meer Roos-

tum, whenever it might please his Lordship to take notice of their inimical proceedings;"

But this he recommended should be deferred for a little,

"Lest the Ameers should be at their wits' end, from fear; and that all of them, being conscious that they are already guilty, might be driven to commit themselves further."

This advice he repeated in a subsequent letter, in which he stated that he had

"Reason to believe that almost every individual chief throughout these countries has been more or less concerned, directly or indirectly, in treasonable plottings, and all would consider themselves compromised."

And the nature of their guilt he had himself expressed in the preamble to the draught of a new treaty, which he submitted to Lord Ellenborough as one which should be forced upon the Ameers as a punishment for their past offences, and a guarantee for their future conduct and our own security. The object and scope of this conspiracy, Major Outram proposed that they should certify under their own hand by signing the Treaty, to have been that they

"Had entered into a treasonable correspondence with the enemies of the British Government, with a view to the expulsion of the British troops from Scinde and closing the river Indus against trade and commerce."

After giving proof of this grave offence, after supplying the Governor-general with evidence of their having intercepted the commerce of the Indus, and fired into the boats of peaceful natives which traversed it —exacting toll upon the river contrary to the express exemption of the treaty of 1839 —of insolence and violence to our public servants—refusing to supply us with wood for fuel to our steam-boats—prohibiting their subjects to sell us grain and other commodities at our military stations—withholding our stipulated tribute—interfering to prevent us from purchasing camels and carriage for our troops at a moment when the preservation of our army in Affghanistan was dependent upon it—and finally, intriguing and confederating with the malcontents of Beloochistan, Multan, and the Punjaub, and to levy war and expel us from the Indus,—after giving abundant proof of the acts of concealed treachery and open hostility, and avowing his belief that all the Ameers were more or less compromised by the conspiracy, Major Outram proceeded to suggest to the Governor-general the provisions of the supplementary treaty, which he would impose at once as a punishment for the past and a precaution for the future; and the provisions of the treaty afterwards proposed by Lord Ellenborough on the 4th of November, and tendered to the Ameers, were each and all either adopted from these suggestions of Major Outram himself, or most heartily approved of by him, on the suggestion of the Governor-general or of Sir Charles Napier. His own draught of the 21st of June proposed to enforce free-trade and exemption from all toll upon the Indus—a cession of certain military stations along the river in exchange for a remission of all annual tribute—and the right to cut wood for 100 cubits along the banks of the Indus; a concession which he considered to be indispensable, and

"Though unpalatable to the Ameers themselves, but not to their subjects, whose river traffic would be so greatly facilitated, besides being rendered safer, he submitted that their Highnesses' selfish feelings on this subject ought not to obstruct a measure of such great public benefit, and vitally necessary for the continuance of steam navigation on the Indus."

The measures which Major Outram pressed upon the Governor-general of India were taken into consideration, and on the 4th of November he adopted a treaty, the stipulations of which were identical with those submitted to him by Major Outram; the included free-trade, the cession of certain territory, and the abolition of tolls upon the Indus, and, in addition, they included the territory of Talpore. The cession of that territory had been alluded to by the noble Lord as an instance of infringement upon the hereditary territory of the Ameer of Talpore; but whether those possessions were hereditary or not their cession, or rather their seizure from Meer Roostum Khan, was most strongly insisted on and recommended by Major Outram, who put forward, in terms more strong than those used by the Governor-general, the claim of Meer Ali Moorad Khan upon the gratitude of the English, and also his claim to the cession of the territory. What then were the facts of the case? There was first the guilt of the Ameers brought home to their doors so clearly that it was impossible to entertain a doubt upon the subject; and, secondly, every department of the Government concurred in imposing upon them measures for the security of the country—measures which both Major Outram and Sir C. Napier said were not dishonourable or harsh, but, on

the contrary, mild and most humane. He would call the attention of the House to the position of the question as it then stood. The crime of the Ameers was proved; they were before us; a mild and moderate punishment was imposed upon them. What was the result? With the external appearance of submission to the Treaty, they sullenly determined that they would levy war rather than observe its stipulations. The Treaty was signed, and without a recorded remonstrance as to its provisions; but instantly fresh ground was taken, and because the commissioner who negotiated it refused to pledge his Government to take a course upon another and a totally different question, which would have been in violation of the Treaty itself—namely, to depose Ali Moorad, in order to reinstate the Rais who had just abdicated in his favour, or to strip him of the royalties and temporalities which were attached to the dignity of the sovereign Prince—a ferocious rabble of 10,000 armed Beloochees attacked the residency of the British representative, and thus precipitated a general engagement with the British troops—an action unsurpassed in brilliancy and valour by any in our military records, and which terminated in their entire and hopeless overthrow, and the surrender and captivity of their unprincipled chiefs. One word as to the transfer of the durbar to Ali Moorad. The noble Lord had laid much stress upon that, as if there was either merit or blame in that transaction; it was due to Major Outram, who was the first to suggest that step, with this sole variation—to state that instead of being an instant transfer, it was to take place at the decease of Roostum Khan, who was already eighty-five years of age. The noble Lord also raised a question as to the actual guilt of Roostum himself in any particular, from the circumstance of some doubt having at one time existed as to the authenticity of his intercepted letter to the Maharajah Shere Singh. But that doubt was most thoroughly removed, and both Sir C. Napier and Lieutenant Brown have given ample assurances of the authenticity of the letter. Writing to Lord Ellenborough Sir C. Napier says,

"With regard to the letter of Ameer Roostum Khan of Khyrpore, to the Maharajah Shere Singh, there are doubts on Major Outram's mind whether Ameer Roostum Khan was privy to this letter or not. But of its having his seal, and being written by his confidential minister, Futteh Mahommed Ghoree, there is no doubt, Query.—Is the doctrine to be admitted, that if a prince gives his signet and power blindly to his minister, such folly is to excuse him from the consequences? I think that your Lordship will hardly admit this. You will say that Ameer Roostum must be answerable for the acts of his confidential minister. However, without the original document, which is in the possession of Mr. Clerk, I can form no opinion."

And again, writing from Sukkur, Nov. 23, 1842, he adds:—

"I have just received from Mr. Clerk, the original letters from Ameer Roostum Khan, of Khyrpore, to the Maharajah. Of their being authentic original letters Lieutenant Brown assures me that there cannot be the slightest doubt."

As to the absurd conjectures which had been industriously circulated, that the conquest of Scinde was the result of some preconcerted scheme of territorial aggrandizement, he would only refer them to the papers on the Table for its conclusive refutation. Lord Auckland disclaimed, and he (Mr. E. Tennent) felt assured honestly disclaimed, every intention of permanently subjugating that country; and he attested the sincerity of his profession by leaving the country in the hands of the Ameers. In like manner, the entire series of Lord Ellenborough's despatches attest the fact that he repudiated throughout the idea of annexing Scinde to the territories of England, and even in his last instructions for the prosecution of war, he enjoined every reasonable sacrifice for the maintenance of peace. It was the treachery, the hatred, the insult, and hostilities of the Ameers that forced upon us the necessity of their humiliation; as similar provocations have invariably led to similar results in India. Our career of conquest in Bengal owed its origin and its impulse to the atrocities of Surajah Dowlah and the horrors of the Black Hole of Calcutta. It was this that led to the overthrow of the supremacy of the Mogul conquerors of India, and substituted Bristish supremacy in its stead; and the subsequent struggles of their successors to wrest from us their lost dominions compelled us to reduce them to utter helplessness and insignificance, by depriving them successively of every spot of 'vantage ground from which they vainly essayed to assail us. A like necessity was entailed upon us at a later period by those formidable confederacies which bursting, like a revived conflagration, from the ruins of the Mogul throne, wrapped Western India in a flame, which we were compelled either to extinguish or be ourselves annihilated by it. Lord Wellesley, with genius to

comprehend the danger, and intrepidity to encounter it, undertook the task, and succeeded in substituting the stable and beneficent government of England for the turbulent despotism of the restless Maharattas. Similar causes were productive of similar results in the Deccan and in Southern India; the dangerous ambition and hostile cabals of France, and of those native princes and states whom she aroused to war in the vain expectation of expelling us from Hindostan, only served still further to extend our dominions, to establish us as rulers where we had been menaced as victims, and to mark the expanding boundary of our dominion by the march of our victorious armies. The Ameers of Scinde, ignorant or insensible to the warning held out by the fate of all who have conspired against us, have tempted the fate, as they have emulated the example, though at an ignoble distance, of Surajah and of Tippoo, of Scindia, and of Holcar. And the treacherous but "brave Beloochees," as they have been generously written by their recent conqueror, have been taught by their own temerity, that the same power which crushed the Maharattas, which humbled the Ghoorkas, and annihilated the Pindarees, is still undiminished and paramount in Hindostan. As to the motion of the noble Lord, which had immediate reference to the personal treatment of the Ameers as prisoners, he was not prepared to accede to it, because it was an uncalled for dictation to the Government of India, and a gratuitous supposition that it might be found wanting in those duties which humanity alone would dictate, uninfluenced by policy. From the first moment of the arrival of intelligence of these events in England, the uniform instructions of Her Majesty's Government to the local authorities in India had been so shaped as to impress upon them the duty of considering, whatever might have been the offences of these princes, that they had been visited by a great calamity, and that every arrangement for their custody should be conceived and carried out with that due respect, which was claimed alike by their rank and their misfortunes. As to the present allowance in lieu of income, it exceeded 24,000*l.* per annum; and of this the sum allotted to their ladies, instead of having but 500 rupees per month, as quoted by the noble Lord (from the inaccurate statement of Meer Sobdar), had been fixed at 5,400*l.* Nor was this all; for strict injunctions had been sent to the Governor-general that considerations of economy alone should not be permitted to interfere in any matter affecting their comforts or enjoyment. As to their restoration to liberty, as suggested by the noble Lord, that, it was obvious, would be alike incompatible with the interests of Scinde and the tranquility of India. But it was the wish and intention of Her Majesty's Government that every freedom and indulgence should be granted to them short of permitting them to return to their former dangerous intrigues.

Sir *John Hobhouse*: Before, Sir, I address myself to the arguments—or rather to the assertions of the hon. and learned Member for Bath, I must take the opportunity, in allusion to a remark cursorily made by the hon. and learned Gentleman, that he sees me now in my place, of apologising for not having been present last year when the debate took place on the subject of the expedition into Affghanistan. But, Sir, in making this apology, I think it due to myself to state, that having had, during the previous Session of Parliament, occasion to make a long—I fear too long a speech in defence of the Affghan expedition, when attempts were made by two hon. Members to impugn that expedition, or at least to ask for papers on which it might be condemned—attempts which received little encouragement from the House—I was justified in concluding, that I should not be called on early in the next Session of Parliament to weary the House with another defence of that enterprize. This must be my excuse—if not a valid, at least a sincere one, for my absence on that occasion; but I may add, that a man may be absent on the occasion of a notice given by the hon. and learned Gentleman, and yet at the same time not be liable to the imputation of wishing to shrink from the defence of a Friend and Colleague. Sir, I find that the hon. and learned Gentleman last Session gave notice, that he would bring the subject of Scinde before Parliament, and having repeated that notice, this Session, he complains in, I think, a somewhat angry manner, that the noble Lord opposite has poached on his manor, as if the hon. and learned Gentleman had a sort of freehold in respect of complaints relating to the conduct of the British in Scinde and elsewhere in India—as if it was a sort of offence for any intruder to tread the ground marched over with such grace and dignity by the hon. and learned Member for Bath. But the hon. and learned

Gentleman must excuse me for saying, that on his giving this notice, it was impossible for me, as it must have been for the noble Lord opposite, to guess that it would contain a long arraignment of Lord Auckland with reference to his invasion—no, not invasion, of Scinde—but his having marched the army across Scinde. What is the notice given by the hon. and learned Gentleman on the first day of the Session? It is this:—

"That this House, while it bestows the fullest meed of praise upon the skill of the General, and the valour of the Soldiers, by whom the Territory of Scinde has been added to our Empire, yet deems it a necessary, though painful duty, to visit with the sternest reprobation that grasping, treacherous, and meddling policy which forced upon our Army the necessity of such a conquest."

Why, Sir, this by implication, to be sure, might be made to apply to the whole history of the East India Company. It might apply to the policy which put us in possession of Bahar and Orissa. I really had not the least conception when I read the notice, that the hon. and learned Gentleman intended to make a long, detailed,—I will not say, that it was not an able, for, bating some particulars, it was an able charge—against the late Governor-general. But, besides this, the hon. and learned Gentleman practised a little ingenious manœuvre, I will not call it a trick, for I dislike hard words, upon the noble Lord, and in effect said to him, "You shall not deprive me of my speech. If I have not the first, I will have the best part of the debate." And so the hon. and learned Gentleman came down with his resolutions—with respect to which I will say, with an experience in Parliament of nearly twenty-five years, that never was this House, after an interval of forty-eight hours for consideration, called upon to decide upon three such important facts as those which these resolutions contain. There are three great facts, to say nothing of thirty minor ones contained in these resolutions. The first is an imputation upon the justice and policy of Lord Auckland; the next is a direct assertion that whatever was done by Lord Ellenborough was a necessary consequence of that impolicy and injustice; and the next, that such is the condition of the Scindian people, that to restore the Ameers to their dominion would be—so and so—and therefore impossible. Now, the right hon. Baronet opposite (Sir Robert Peel) might have taught the hon. and learned Gentleman that it was difficult to say what was impossible; and really when we consider that the hon. and learned Gentleman has had so long a time to consider and resolve upon the wording of his resolution, he might have accomplished it without using the term "impossible," seeing that so far from the fact in question being impossible, nothing could be more easy and practicable than to restore the Ameers, if it were right and proper that it should be done. After all the deliberations and ingenious artifices of the hon. and learned Gentleman, I will take leave to tell him, that he has contrived to lay on the Table of the House three proposals, which I will venture to say, in point of injustice—in point of unfairness—in point of little foundation in fact—have never been equalled by any similar proposals ever submitted to Parliament. I maintain this, and, somehow or other, I think the House seems to be of the same opinion with myself. Why, there is nobody to back the hon. and learned Gentleman; and these solemn charges—these imputations upon the Governor-general of India—of injustice and impolicy—almost of monstrosity—such as could not of itself have ever entered into the hon. and learned Gentleman's imagination—all these charges, all these imputations, fall equally to the ground, and you, Sir, are saved the trouble—I should say disgust—of putting to the House proposals which have found no seconder within doors, and which, I am sure, would find as few supporters out of doors.

Sir, the hon. and learned Member for Bath does not understand his own case. Hardly a fact of his statement is well founded. I repeat it, hardly one. I except, indeed, the tribute the hon. and learned Gentleman has paid to the character of the gallant Napier; and I except, also, what he has said with reference to Lord Ellenborough—a subject I shall have an opportunity a little farther on of touching upon; but I do say that no single assertion—I mean, of course, of the principal, not the minor, assertions of the hon. and learned Gentleman, has any foundation in fact at all.

Sir, the hon. and learned Member began, as it was right he should do, at the beginning. Like a learned French author of whom I have read, he told us he would begin at the beginning. The worst of it is, that the hon. and learned Member did not begin correctly. He said he would give the House an account of our early intercourse

with Scinde, and then he went on to refer to the treaties concluded with that country. The hon. Member first mentioned the treaty of 1809, which has also been alluded to by the hon. Gentleman the Secretary to the Board of Control. He said, that at the time of that treaty, the policy pursued by the Scindians was a voluntary sort of policy—that is to say, that the Scindians were not compelled to do anything they did not like. [Mr. *Roebuck* dissented.] Well, if I quote the hon. and learned Gentleman incorrectly, he can set me right. I understood him to say that our intercourse with Scinde might be divided into two sorts of intercourse—the one carried on voluntarily upon the part of the Scindians, the other, involuntary intercourse upon their part—that is to say, when we forced them to do what they might have objected to. Our early relations with Scinde, the hon. and learned Gentleman described as having been of the voluntary species. He might have begun much earlier, but I will begin, as he did with the period of 1809. In the treaty that was made in that year, what was its fourth article? Why this:—

"That the government of Scinde will not allow the establishment of the tribe of the French in Scinde."

Is this voluntary? What right had we to impose upon the rulers of Scinde the obligation of not allowing the French to have any communication with them? The hon. and learned Gentleman afterwards quoted the fact, that we would not allow the Scindian princes to send a friendly letter to the Shah of Persia—as a proof that we were depriving them of their independence. Now this was not a friendly letter. It was, indeed, friendly in one sense. It was friendly to Persia, but it was not friendly to us. But in 1809, the Indian Government, by treaty, stipulated that no Frenchman should reside in Scinde. Where was the abstract justice of this? Why it was a stronger imposing upon a weaker power a condition which no country would voluntarily adopt, and which showed the predominant power of one controlling party. Again, it appears, that when by one of the movements characterised by the hon. and learned Gentleman, the Member for Bath, as aggressive, when we had taken—not the possession of, but when we had made ourselves masters in Cutch—that we came into collision with the Scindians, and that an embassy was sent—not from Scinde—because, as I must inform the hon. and learned Gentleman, the Scindians were not independent, but from their sovereign paramount Shah Mahmood king of Cabul to the Governor-general of India—after some difficulties a Treaty was concluded in 1820, which stipulated, by its third article, that

"The Ameers of Scinde engage not to permit any European or American to settle in their dominions."

Did that stipulation savour much of voluntary agreement upon the part of the Scindians. Was there anything voluntary in that? We have all along, I tell the hon. and learned Gentleman, in contradiction to his idle theory—we have all along, in dealing with Scinde, treated the princes of that country on any footing but that of equality, and when we had treaties with them—up to the time at which we ourselves made them independent—they were never reckoned free from the supremacy of the Shah of Cabul.

But the hon. and learned Member for Bath, after passing through the treaties of 1809, of 1820, of 1832, and of 1834, (the chief object of the latter being the opening the navigation of the Indus) came to that of 1836, of which he gave a most complete misrepresentation from beginning to end. The hon. and learned Gentleman charged Lord Auckland with having been guilty, at that time, of such meanness, of such trickery, that if the accusation were well founded, he deserved impeachment at least. The hon. and learned Gentleman stated, that Lord Auckland then played off the fears of the Scindians, in respect to Runjeet Sing, against themselves, and caused them, under the influence of these fears, to implore the aid of the British Government, in order that advantage might ultimately accrue to us. Now, Sir, this was not the fact. What occurred was this, Lord William Bentinck, in 1831, had become acquainted with the intentions of Runjeet Sing to take the first opportunity of invading Scinde, and the Sikh ruler did not conceal that project from Sir Alexander Burnes in 1832. In 1836, Runjeet Sing marched a considerable army from the Punjaub, and took a fort near Shikarpoor. The principal of the Ameers of Scinde sent a messenger to Sir Henry Pottinger, who was then in Cutch to request his interference, and that communication with Sir Henry Pottinger led Noor Mahommed to have a conference with him, in which he did not confine his request to the mere appearance of Sir Henry Pottinger

upon the disputed territory, but begged that in case of necessity a British force might be sent to Shikarpoor to prevent further aggressions upon the part of Runjeet Sing. I refer to page 9 and 17 of the supplementary paper presented to Parliament and indeed to Sir Henry Pottinger's whole dispatch of December 10, 1836. It was at the request of the Scindians that we stepped forward to assist the weak against the strong, and to save those who were unable to resist from the grasp of Runjeet Sing. No one will pretend that if the contest had gone on the Ameers of Scinde would have had the slightest chance of success against him, and in return for saving Scinde what did we get! the permission to have a resident at the court of the Ameers—secured by the treaty of April 20, 1838.

The hon. Gentleman next says, that Lord Auckland, by what was commonly called the Tripartite Treaty, signed in June, 1838, at Lahore, at once disposed of Scinde, we never having had the least right or pretext; and that that disposal was conveyed by the words of the sixteenth article of the Treaty. The disposal of Scinde! I will repeat to the hon. Gentleman first, that the acknowledgment of the independence of Scinde will be found in no former Treaty whatever; and next, that the very sixteenth article, of which he complains, liberated the Ameers from all claims of supremacy and arrears of tribute in respect to the sovereign of Cabul, under the guarantee of the paramount power of India, and of the neighbouring Prince, to whose exactions and incursions they had hitherto been subject. And this is the step charged against Lord Auckland as tyrannical, and this is taking a liberty with the independence of countries, and on this is founded that charge of baseness which the hon. and learned Gentleman finds such a difficulty in conceiving. The hon. and learned Gentleman said in the course of his speech,

"What reason have I to suppose Lord Ellenborough guilty of what has been imputed to him—what interest had he in such misdeeds—what reason have we to suspect him."

I say no, as to Lord Ellenborough; but I say no, too, as to Lord Auckland. What right has the hon. and learned Gentleman to refuse the same measure of justice to an individual as honourable as any in this country, and who understands the policy and the interests of India very nearly as well as the hon. and learned Gentleman. When he asked us what right we have to speak suspiciously of Lord Ellenborough, he will allow me to ask what interest Lord Auckland could have in the perpetual scheming, fraud, and knavery so profusely charged on his conduct, as to Scinde and to other regions to which he is alleged to have extended his artifices. The hon. and learned Gentleman prides himself on being a fair man. Why should he not allow the same merit of good intentions to Lord Auckland, to which I concur with him in thinking Lord Ellenborough is entitled? The hon. Gentleman brings forward as a charge against Lord Auckland that there was a money payment made by the Scindians, exacted under colour of advantage to them, but really enforced by the paramount power of England. "We took the money," said the hon. Gentleman. Now I tell the hon. and learned Gentleman, that Lord Auckland did not, in the first instance, insist on this sum as an exaction, or a payment made under any compulsion whatever, and if the hon. and learned Gentleman will look again at his blue book, he will see it was not so considered; but afterwards, I grant, when, in spite of the great benefits to Scinde, the British troops were opposed on their march to Affghanistan, when an additional expense of 200,000*l.* was incurred, and when at great risk and hazard the march to Affghanistan was delayed for five weeks, then, I admit, Lord Auckland said the money engagements should be enforced. But in what way? Was it given to the British Government, or did it go to the expenses of the expedition? Will the hon. and learned Gentleman tell the facts which he stated inaccurately? Of the twenty-one lacs which were to be paid by the Ameers to the Shah, fifteen lacs were to be made over to Runjeet Sing, but no part of the payment went into the Indian Treasury. Yes, says the hon. and learned Gentleman, "You gave the money to your puppet—that is, you gave it to yourselves." No, Sir, if Shah Soojah had remained on the throne, which the Governor-general had a right to contemplate—and did contemplate—this step would have had the effect of preventing him from making any future demands founded on old claims. But the hon. and learned Gentleman says that those claims had been previously abandoned. One party asserts that, the other denies it. But I say it signifies little whether this is true or false, considering that the acknowledgment of the

independent freedom of Scinde, and the exemption from future exactions on the part of the Affghan Sovereign, was cheaply purchased at that price—and the same may be said as to the arrangement with Runjeet Sing, who was not to be expected to give up his pretensions for nothing. Runjeet Sing knew very well the advantages he was conferring; and, I repeat, it was desirable to release the Ameers of Scinde at the price agreed upon. With respect to the payment of three lacs annually to ourselves, those who heard the hon. and learned Gentleman may be perhaps astonished to learn, that it is no more than the expense of keeping up one native regiment.

After all this cruelty to the Ameers of Scinde, and robbery of the people, as described by the hon. and learned Gentleman, he brought us to the Affghan expedition. The hon. and learned Gentleman candidly informed us he was not going into that question, as he had discussed it already. He characterised it in his usual bold language; called down on our heads the blood shed there, indeed plentitifully besprinkled the noble Lord and myself with the blood that was spilled there. I can only tell him —who, by the way, was absent from that debate, as I was from his—that in my attempt to vindicate Lord Auckland, I did my best to shew that that expedition was forced on the Government of India by a paramount necessity — by what, at least, the Indian government thought to be a paramount necessity, and I will add what I stated when the hon. Gentleman was so fortunate as not to be present, that up to the disasters of Cabul, an *altissimum silentium* prevailed on this subject, that no manner of charge was brought forward (I don't say, and never did, that an approval was given) in anything like a substantive shape, either in Parliament or anywhere else. And, therefore, I say we have a right in this matter to insist, that if Lord Auckland conceived that the march into Affghanistan was necessary to the security of India he was not to be stopped by respect for the territory of Scinde. There is no rule of law or of public morality which forbids self-defence, or for taking such measures as are positively essential to a just object. It was unlikely that our march through Scinde would be obstructed, or that the people would not have co-operated with us. We had as much right to expect their assistance as that of the Khan of Bahwulpore, or the Rao of Cutch. But when instead of receiving assistance, every obstruction was cast in the way of a passage for our army through the territory of Scinde, we had a right to take the course taken by Lord Auckland.

But, says the hon. and learned Gentleman, we should not have gone into a country inimical to us. We should have taken the Khyber Pass route; and not have trespassed upon independent states, but gone through friendly countries. I deny both these positions. The people of Scinde were as likely to be as friendly to us as ever Runjeet Sing was; and when we informed the Ameers why we took the passage, and when Colonel Pottinger acquainted them with all our projects, and all our motives, to remove all fears, and when, instead of assisting us, they not only thwarted, but assembled a large army to act against us, Lord Auckland was perfectly justified in taking every necessary measure for putting them down. The hon. and learned Gentleman says, upon some authority with which I am not acquainted, we ought to have gone through the Khyber Pass, and that "Runjeet Sing would have given you leave, if you applied to him." Now, I happen to know the contrary. And it was with considerable difficulty that a limited force was allowed to go through the Khyber Pass. And recollect this was at a time when Runjeet Sing was in possession of a great army, and would not allow us to go through his territory, merely because we wished it, and (what I deny) because we could not have taken so convenient a route. Now I tell the hon. and learned Gentleman, what perhaps he did not know before, that we had an object in going by way of the Bolan Pass to Candahar. It was in the territory of Candahar that Shah Soojah had his chief adherents, and it was of the greatest advantage that we should go through a country friendly to Shah Soojah rather than by Cabul, where Dost Mahomed was then reigning. But independently of this reason, and of the facility of sending the Bombay division by the route of Candahar, if we had marched our whole army by the Khyber Pass, we should have experienced want of provisions and of the means of transport. Notwithstanding the authority quoted by the hon. Gentleman, it was, in the words of his own resolution, "impossible" that our troops could have gone by the passage he contended for, because, in addition to those reasons, Runjeet Sing would not

have allowed them. I hope I have given a sufficient answer to the question as to the route by which the expedition was marched.

The whole question, I admit, turns on this — was the expedition to Cabul unavoidable? I think it was; the hon. and learned Gentleman thinks it was not: but this controversy has been twice before the House, and need not be renewed now. I now turn to another charge made by the hon. Gentleman, not against Lord Auckland, but the whole Indian service. Commenting on something Colonel Pottinger said, the hon. and learned Gentlemen observed,

"How odd it is that those Indian officers should be all overcharged with a sense of their own importance."

That may be true, or it may not; but the failing of self-importance is not confined to "Indian officers." I must, however, on behalf of that most distinguished Indian officer, and other Indian officers of whom I have a right to know something —I must say, that Colonel Pottinger is incapable of making any representation not founded on truth, or recommending any measure which does not appear to him founded in justice and good policy. That officer like others who live in hot countries, may have been now and then betrayed into hasty expressions, or for ought I know may have written hasty letters; but, of course, the Governor-general dealt with his letters as he found them, and when the advice they contained appeared unsound, he did not follow it, while, on the other hand, what appeared prudent in them and supported by facts was adopted by him. The hon. Gentleman was guilty (if he will excuse the expression) of an extraordinary attempt to prejudice the House, through the authority of Colonel Pottinger, against Lord Auckland. He quoted recommendations of that officer, and left the House to infer that Lord Auckland had acted upon them. I should have been deceived, though I followed the hon. Gentleman with the book in my hand, if I had not been aware of his astuteness. Looking fairly to this mass of papers, what does it signify what was recommended to Lord Auckland or Lord Ellenborough; what we have to enquire is what Lord Auckland or Lord Ellenborough did. After the hon. and learned Gentleman quoted the recommendation of Colonel Pottinger, he altogether omitted to mention what was stated by the noble Lord (Lord Ashley), that Lord Auckland did not follow the advice, but altogether dissented from it. And if you look at p. 97, vol. 1, you will find the facts to be as I have stated them. I believe the hon. Gentleman assents to what I assert; but at all events it is clear that Colonel Pottinger's views were not acted upon, and did not operate upon Lord Auckland's final policy.

As to the aggressions of Lord Auckland on Scinde, the hon. Gentleman seems to think that not only did the noble Lord force an army across Scinde, but also violated the treaty of March, 1839. If the hon. and learned Gentleman will look to numbers 166 and 214 of the printed papers of the first volume, he will find that Lord Auckland did not enforce any condition on the people of Scinde of which they had the least right to complain, and, as the hon. Secretary of the Board of Control stated, the best proof of that is to be found in the fact that no attempt whatever was made to depart from that Treaty, from the period when it was signed up to the time when Lord Auckland ceased to be Governor-general. More than that, on Noor Mahomed's death, we prevented his Will from being disputed, and found not the least difficulty in carrying it into complete effect. The Scindeans acquiesced in the disposition we then made to enforce it.

The hon. Gentleman next objected to our taking possession of Kurrachee. Now, in that, too, he is completely mistaken. From first to last we never did take possession of Kurrachee. We established a military post there; but when the Ameers complained of it, and refused to ratify the Treaty of 1839, in consequence of our military force in Kurrachee, an explanation was given that it was only a military station, that the English had not the slightest idea of interfering with the government of the place or appropriating the port dues, and that explanation was completely satisfactory. You will find, by a letter of Colonel Pottinger, dated the 10th of October, 1839, page 226, that the Ameers never afterwards made the slightest objection. In that letter Colonel Pottinger used these words—

"The Ameers have never made the smallest objection to our troops being at Kurrachee, and immediately after Sir John Keane's force moved on from Hyderabad, Noor Mahomed Khan himself, suggested that we should retain the fort at the mouth of the harbour."

The hon. Gentleman says, that when Lord Ellenborough took possession of the

government of India he had to contend with great difficulties. Sir, the noble Lord certainly had to contend with great difficulties; and I do not think, that I am in the least called upon to do more with respect to the hon. Gentleman's motion, than to say, that I think he is not borne out in what he asserted in his second proposition—that what has been done by Lord Ellenborough is the necessary consequence of what was done by Lord Auckland. But, Sir, the House is saved the trouble of hearing any suggestions from me on this point, because the hon. Gentleman the Secretary for the Board of Control has most distinctly told us, that he does not found the defence of Lord Ellenborough on any policy of Lord Auckland; and he says, that the policy of Lord Auckland in Scinde had its term, and was brought to a natural conclusion by the Treaty of March, 1839. He does not indulge in any of those imputations against Lord Auckland, as having originated by his policy, that which was adopted by Lord Ellenborough, but absolves him from any such charge. But, Sir, the proposition of the hon. Gentleman is not at all borne out either by time or dates, both are quite at variance with his allegations. The hon. Gentleman says, that the following out of this deplorable policy of Lord Auckland, by Lord Ellenborough, was to be justified only by the dangers which then threatened the existence of our Indian empire. Why, Sir, if this refers to Scinde, I beg leave to tell the hon. Gentleman that dates do not at all bear him out; because when Lord Ellenborough had determined on those extreme measures against Scinde—and I do not intend to say anything at all about them, because he may be justified in them for what I know—but at the time when Lord Ellenborough took his resolution the affairs of Affghanistan had been entirely settled. Lord Ellenborough had received the news of the great victories in Affghanistan, and the establishment of British preponderance therein, in September, 1842. He had announced them in his famous proclamation of the 1st of October; and the despatch on which the conduct of his agents in Scinde was founded bore date in November. Therefore, the hon. Gentleman is wrong in supposing it was imminent danger that made Lord Ellenborough adopt the course complained of as to Scinde.

Now, Sir, with respect to the policy of Lord Ellenborough, as I before said, I do not think myself at all called upon to give an opinion upon it. Nay more, I will say, I am not prepared to condemn that policy. I am aware of the difficulties as well as the hon. Gentleman, with which not only Lord Ellenborough, but every Governor-general, has to contend—I mean with respect to a fair judgment of his conduct. He has got to deal, first of all, in India, with the most unscrupulous press that was ever tolerated on the face of the earth. That is the first obstacle; I believe the hon. Gentleman will own this himself. Then he has to deal with persons who perhaps think they have got very good reasons for being a little discontented with the distribution of patronage in India. Then, besides that, he has to deal with clever Gentlemen in Parliament, who, some four or five years after transactions have taken place, think it a very good amusement and edification for themselves and others, to bring charges and make motions, which are sometimes, seconded. I say, Sir, I think that at this time I am not called upon to say more of Lord Ellenborough's policy than this, that in certain respects it cannot be said to be the same as, or a continuance of Lord Auckland's. One or two instances will show this, and prove to the hon. Gentleman that he is in the wrong in making the contrary assertion. One of the great differences between the policy of Lord Auckland and Lord Ellenborough is this, that Lord Auckland thought tribute better than territory. Lord Ellenborough, on the other hand, prefers territory. I am not saying whether he is right or wrong. Lord Auckland did not, I believe, appropriate any portion of territory from any of his allies, or from any other parties; Lord Ellenborough thought himself justified in so doing, and I do not say that he was wrong. Lord Ellenborough made another difference between his policy and that of his predecessor, which is very material. Lord Ellenborough has chosen a different set of agents from those usually employed; he objects to the use of political agents, rightly, perhaps; he has placed in command, for instance, in Scinde, that gallant and distinguished officer, Sir C. Napier, whose name can never be pronounced in this country, I will not say without praise, but without the deepest emotions of gratitude. And here let me ask, has any thing been said, has any thing been so much as hinted against that gallant officer? Has anybody blamed Sir C. Napier? Who has attacked him.

"Quis vituperavit Herculem"

God forbid that this House should be so ill-judging, so far forgetful of its duty, so far wanting in proper and decent feeling, as not to be sensible that to that officer we owe a debt of gratitude more than it is possible for us ever to repay? That being the case, I am curious to know what induced the hon. Gentleman to enter into a liberal defence of the gallant General, whom no one, so far as I know, has thought of blaming.

In concluding what I have taken the liberty to addresss to the House, and I must really beg pardon for having done so, for I rose with great reluctance to make what I considered an unnecessary defence against an unnecessary attack; in conclusion, I say, I have only to request the House, that when they wish to be just to Ameers, or just to any other similarly situated princes, they will not forget the justice that is due to our own great public functionaries. Do not let them forget that they owe something to men who take on themselves these tremendous responsibilities, and, who, at a distance from those they may most wish to consult, are sometimes obliged to hold in the balance the very fate of this great empire. Let us, Sir, be just to the Governors of India, not only to the present, who is in power, but to the past who have descended from it. Let us not think that because they have ceased to wield the reins of empire, which were delegated to them, they have therefore, ceased to claim and to merit a fair consideration for their conduct. I will not condescend, Sir, if I may use the expression, to refute some of the charges the hon. Gentleman thought proper to make against the late Indian Government. He accused Lord Auckland of matters, which, if truly attaching to him, if he deserved the character they imply, would make him unfit—I will not say to be Governor-general of India, but to be trusted with the meanest interest which could be confided to any private individual. Sir, I hope that the time will speedily come when we shall cease to hear these charges against our great public officers—I think, indeed, the time has come, if I may judge from the reception of the hon. Gentleman's motion. It is time to desist from such charges as those now brought against Lord Auckland. When were the treaties with Scinde laid on the table? When was it competent for the House to take into consideration this gross infraction of the laws of nations, and the right of individuals, alleged to have been perpetrated? In 1839 we made the treaty with Scinde, and in 1840 we were in possession of all the facts connected with these supposed aggressions. Yet, it is not till 1844 that all those charges are made. The hon. Gentleman, I think, said the other night, he had only been for a year and a half in Parliament, and, therefore, was not blameable. [Mr. *Roebuck*: I did not say so.] Well, I thought the hon. Gentleman had said something to that effect; but at all events, three years had passed, and those charges had not been made. They were not made for a very good reason, because nobody summoned up courage to make them: they were not made because they were not tenable; they were not made because they required more special pleadings than every-day Members of Parliament can bring to debate, to make even a tolerable case out of them.

With respect to the motion of the noble Lord, for we have not the motion of the hon. Gentleman before us, it has dropt still-born, I am inclined to think, that the Secretary for the Board of Control, is right, and that it would not be prudent to interfere with the Indian Government in this matter. I think what has been said this night, shows, that there is a very proper appreciation of the particular condition in which the Ameers are at this moment placed, and that every attention will be paid to their due comforts, and to their respectability, as far as is consistent with their not being so much at large as to endanger the interests of the empire. Sir, that is my opinion, and that being so, it is impossible for me to vote for the Motion of the noble Lord. I hope there will be no mistake in this matter. It is not for want of proper sympathy with those princes that I must decline to vote for the Motion. I sympathise with them, as I would with Lord Auckland, or with the hon. and learned Gentleman himself, if he needed such support. It is because the Motion would lead to an interference with the Indian Government in a matter of great responsibility. If the noble Lord's proposal is carried, nobody shall tell me, that it will not be a very considerable slur on the Governor-general of India. It will be telling him, that he, on the spot, does not know in what way these Princes ought to be treated. I am not prepared to say that, and I think, as a general rule, though I dare say it will be thought rather an illiberal opinion, the less interference that

Members of Parliament, and this House in general, feels itself called upon to make with regard to the Indian Government, the better it will be. I never knew much good come of any such interference, but, at the same time, I will not say that a case may not arise in which such may not be called for. If it does, I shall go a great deal farther than the noble Lord now proposes. I shall not content myself with making a charge by a side-wind: I shall bring forward a positive charge, on which we may come to a clear conclusion. Knowing, however, the great responsibility under which the Indian Government acts in this matter, I own, I cannot bring myself to interfere. On this ground, I am obliged to say, with the greatest possible respect for the noble Lord who made the motion, that it is impossible for me to vote with him.

Sir *C. Napier* said, he rose not to pass any judgment on the conduct or policy either of Lord Ellenborough or Lord Auckland. He would leave that to Gentlemen who were much better acquainted with Indian affairs than he was; but he intended to make some observations on what fell from the noble Lord relative to his (Sir C. Napier's) gallant relation commanding in Scinde. The noble Lord had stated, that if Sir Charles Napier had followed the advice of Major Outram, no war would have ensued, and the questions depending would have been brought to a satisfactory conclusion. He differed totally from the noble Lord, and he was decidedly of opinion, after having read the whole of the correspondence, that Major Outram's conduct could only be compared to that of Frere, relative to Sir John Moore, when he commanded the army in Spain. He felt perfectly certain, that if the advice of Major Outram had been followed, not one man would have lived to tell the story at this moment, and he was astonished, that a military officer like Major Outram, could have given such advice to Sir Charles Napier. He was of opinion, that if any blame whatever attached to the latter gallant officer, it was for having so long delayed his march on Hyderabad, and thus risked the whole of the army in the manner he did, to satisfy Major Outram. It was clearly stated in the correspondence, that Major Outram asked for a delay of three days, and the general proved that he delayed no less than four days, with the prospect of the hot weather coming on, and exposing the whole army to ruin and destruction. The noble Lord in another part of his remarks fell into an error. There was not a person in that House whom he admired more than the noble Lord, for he was a good, just, and humane man, but it showed how we might be led astray by taking up a question which he had not sufficiently studied. In reading a letter of Sir C. Napier, page 49, which was certainly a little strong, the noble Lord ought in justice to have quoted the gallant officer's other letter, showing the position in which he was placed at the time he had written the one in question. This letter he would take the liberty of reading to the House: it was to be found at page 139, of the supplementary volume.

"*Kurachee, Oct.* 27, 1843.

"I have the honour to inclose to your Lordship some more information relative to the conduct of the ex-Ameers. I hope it may not prove unsatisfactory, because the further inquiry is pushed, the more the treachery of the Ameers will become apparent. I could have sent this information last February or March, had I chosen to spend my time in the employment suited to a chief of police receiving depositions. But, at the period in question, I had not the power of drawing up above 1,500 men in order of battle; no reinforcements had yet arrived; 20,000 men, under Shere Mahomed, were within a march of my camp; we were in the midst of an insurgent population, warlike, and well armed; I had the magazines and hospitals full of wounded men, to guard on the banks of the Indus; I had six sovereign princes in my camp, intriguing as hard as they could to arrange an attack on my camp, by overwhelming multitudes; I had a large fortress to guard—this fortress was three miles from my camp; I had an immense treasure to guard; I am obliged to respect the Zenana in the fortress, to the hazard of the regiment in the fortress (which regiment had suffered greatly in the battle, and could not muster above 400 men), for in these Zenanas were about 800 powerful Beloochees well armed, and the Zenanas full of arms. I well knew the treachery of the Ameers, or I should not have been so unjust as to use the terms I applied to them in my despatch after the battle of Meeanee."

He would ask the noble Lord, considering the above situation described in the above letter, that there were but 1,500 men in a hostile country, and in a climate enough utterly to destroy the army, if it was fair and just to excite the feelings of the House in the manner he

had done in reference to this point? The noble Lord had compared the treatment of the Ameers with that of the sons of Tippoo Saib, by Lord Cornwallis; but the cases were totally different. They were hostages, they were in a peaceful country, not in the midst of enemies, surrounded by multitudes thirsting for their blood. The noble Lord had also said, it was not true that they had intended to murder the English. Why, what said the confidential servant of the Ameers, Bunroodeen, in his examination before Mr. Brown, given at page 138? He was asked what would have been the fate of the British forces had the Ameers' treachery not been prevented in time; and he said they would have all been massacred. He believed it was plainly established from the correspondence of Sir Charles Napier, that if they had gained the victory, they would have put every man to the sword, and he did not believe that one would have been left alive. He should like to know what the House of Commons would have said then? They would have said that Sir Charles Napier was a vacillating and undecided man, who had not courage to go on, and that he had foolishly listened to his political agent. He thought political agents ought never to be employed; the whole conduct of the war ought to be left to the general. God knew, political agents did mischief enough, even in peaceful times, but they were much more mischievous in war. What said the Ameers themselves? Meer Shadad, and all the rest of them—he need not go through the names of all; these Ameers had confessed their guilt. How could the noble Lord, having read the papers deny their participation in the treacherous attack on the residency? The noble Lord said they could not control the Beloochees, but he (Sir Charles Napier) said they intended to take part in the attack. He would not detain the House longer; he had risen to complain of one or two of the noble Lord's expressions, though his speech had been generally marked, he must admit, by moderation. Relative to the motion of the noble Lord he would go this length, he would say these men had been sufficiently punished, they ought not to be made prisoners, and confined to Bombay; they ought to have some compensation for their losses. But they certainly ought not to be allowed to return to Scinde.

Lord *Jocelyn* said, had I been aware that the hon. Member for Bath intended to produce the letter from Sir C. Napier to Major Outram, I would have taken care to have provided myself with the answer. I trust, that on a future day the House will, in justice to that gallant officer, allow me to read the answer. I shall support the motion of my noble Friend, because I have heard nothing to alter the opinion I had originally formed of the injustice and impolicy of our actions in Scinde; and, however much I may regret to differ from those to whom I have hitherto given my support, I have a higher duty to perform to the cause of what I believe to be justice and humanity. Acts of harshness and injustice when committed by a Government, cannot long be concealed; and self-preservation alone can be allowed as a palliation for our harsh measures. There can be no greater cruelty and impolicy than forcing a war upon a weak and submissive people. It is not by deluging a country in blood—it is not by upsetting one dynasty to replace it with another, nor by trampling upon the dearest rights and customs of the people, that you give encouragement to commerce. It is not in the infraction of solemn treaties by a civilized power, that you teach barbarians to respect them. We have cause to blush for our policy in Central Asia. Ever since we set foot on the right bank of the Indus, our acts have been a tissue of fraud and intrigue. It is painful to think that able and gallant men could be found to carry into those distant countries, not the blessings of peace and civilization, but the firebrands of discord and rancour. Providence seemed to mark its detestation of our conduct by the fate of our gallant army, and men grew weary of such a policy. The proclamation of the Governor-general in 1842 was received with satisfaction both in India and in England. It was delightful to learn,

> "That content with the limits which nature appears to have assigned to its empire, the Government of India would devote all its efforts to the establishment of public peace."

It was with regret, in a few months afterwards, we found that the promise of peace was but a momentary vision of the Governor-general, and that a policy was about to be pursued, which would inevitably tend to a war, the peculiar features of which have, thank God, not often disgraced the pages of British history. I speak advisedly when I make use of this expression; and I appeal to any unbiassed individual who has read the pages of this

book which has been produced, to say, whether or not there is a single proof in support of the accusations—whether it is not a mass of assertion and *ex parte* evidence. In 1832, it appears that in our connexion with Scinde, commercial advantage was one chief object. We sued for permission to navigate the Indus, and to make use of the roads in Scinde, for mercantile transactions; we asked, that moderate duties only should be imposed. Our request was granted. At the commencement of this treaty with the Ameers of Upper Scinde, we pledge ourselves never to view with the eye of covetousness, their possessions. A treaty is formed a few days later with the Ameers of Lower Scinde, and in it we find the same article respecting the "eye of covetousness." We likewise find the British Government is thereby pledged never to carry military stores of any kind upon the river, nor to covet any fortress upon one bank or upon the other. Thus we stood until the year 1838, when the whole course of our policy in Central Asia, was to undergo a change. The Government of India at that time, considering it necessary by some great counter movement, to check what they believed to be a combination of the great Mussulman Powers on the north-west frontier, determined upon that policy, which I shall not here discuss. It became necessary for their purpose, that all subordinate arrangements should tend to the great object they had in view. This can be their only excuse for the treaty they then imposed. This may palliate in their eyes the infraction of solemn and binding engagements; but in the eye of justice, there can be no excuse for measures engendered by weak and timid counsels or unlawful ambition. The rulers of Scinde, feeling their own weakness, and knowing the power of the lawgiver, humbly submitted to that treaty, which was imposed by fear of force. By the treaty of 1832, we bound ourselves to bring no military stores into the country, nor to covet any fortress on the banks of the Indus, nor to view with the eye of covetousness, the possessions of Scinde. By the treaty forced on them in 1839, we find a force is to be maintained in Scinde, the Ameers are to pay three lacs of rupees towards the maintenance of that force, and by a supplementary treaty, the fortress of Bukkur is to be given up. Thus, we obtained the right of locating our troops in any part of their dominions; we threw open the navigation of the Indus to commerce; we were in a position from Bombay to pour troops (if necessity required it) into the very heart of the country. What, then, could we obtain by annexing Scinde to our dominions? Whatever I may think of the policy which led to this treaty, all the advantages that could be desired were obtained by it. By acts of aggression we are now paramount, and it has devolved upon us to keep in subjection the warlike Beloochee tribes, in a climate whose noxious effects have already been felt severely by our forces; and what have we gained by the acquisition? Captain Postans computes the revenue of Scinde at 40 lacs, and our expenditure at 80. Does war encourage and give confidence to trade? I agree with Major Outram's quotation from Dr. Franklin:—

"To me it seems that neither the obtaining or retaining of any trade, however valuable, is an object for which men may spill each other's blood."

And he adds, that the profit of no trade can be equal to the expense of compelling it, and holding it by fleets and armies. Many believe there is no greater fallacy than the trade of the Indus. Captain Eastwick gave such as his opinion a few days since in the India-house, and declared, that owing to the delays and difficulties of the navigation, merchandise is carried in preference on camels from Kurachee to the interior. In turning to the more immediate transactions, I am anxious to draw a distinct line between that gallant officer (Sir C. Napier) who has added lustre to the profession he adorns, and the same individual who, in his character of envoy, has been led into errors by his want of local knowledge and inexperience in native character. But in his latter position he was noways to blame; those are accountable who, at a moment of the greatest importance, removed the accustomed staff through which all political affairs were transacted, and replaced them by a gallant officer who was as ignorant of the position of affairs as he was of the customs and language of the people. The Ameers of Scinde were declared to have infringed, or wilfully misconstrued, the Treaty of 1839. In Europe, at the misconstruction of a treaty, explanation is first sought before proceeding to ulterior measures. Because dealing with barbarians, we should not act like barbarians. We should have pursued the same course towards the Ameers of Scinde as in civilized Europe. Were

we so clean-handed and immaculate, who had pledged ourselves to the treaty of 1832, and forced on the treaty of 1839, as to be warranted in the conduct displayed in the pages of the *Blue Book?* Is there in its pages anything but assertions, in some cases, of worthless characters, in others of interested parties? I will not enter into the details of the alleged infractions of the treaty of 1839. The weakness of those accusations has been laid bare, and it is quite clear, by reference to the treaty made by the Ameers on all occasions, that they had no intention of wilfully forfeiting their engagements. They had their own interpretation, to which, according even to Sir Charles Napier's opinion, "they had a right as independent princes;" and one fact speaks volumes to my mind—that it is distinctly recorded by Sir Henry Pottinger before the treaty of 1839, that in no one instance had the Ameers infringed the commercial treaty of 1834. So much for the conduct of the Ameers. I find in a letter of the gallant general "nothing but a fair pretext is wanting to coerce the Ameers." That pretext, of course, was very soon found, but not in these infractions of the Treaty, which even, to Lord Ellenborough appeared too trivial to afford grounds for coercive measures. Recourse is therefore had to that hacknied engine of Eastern tyranny—accusation of treasonable correspondence. We find, then, the whole case against the Ameers is made to depend on three charges—first, as to the authenticity of a letter from Meer Nusseer Khan to a hill chief; secondly, as to the authenticity of a letter from Meer Roostum Khan to the Maharajah of the Sikhs; and, thirdly, whether the confidential minister of Meer Roostum was privy to the escape of a state prisoner. I will not enter deeply into these charges; but even granting that they were true, which I utterly deny, they afford no grounds for our harsh measures. Surely, sovereign princes are not to be dethroned on accusations so easily manufactured. The similarity of seals is all that is alleged in support of the first charge. Why, seals are not received as evidence in any court in India. They are continually forged. The unfortunate prince in the notes of conference reminds Major Outram that his own seal was forged. Seals are not used in these transactions; letters are not written. We find Lieutenant Mylne, who forwarded these charges, stating his inability to produce documentary proof, as their Highnesses had not of late committed their thoughts to paper; and yet this very letter is said to have been written within the month. And, in the name of common justice, why was the letter that he was accused of writing not shown to the Ameer? Why was he not afforded an opportunity of disproving the charge? and what are the grounds against Meer Roostum, our old and tried friend? Another treasonable letter of even more suspicious authenticity. The very letter of Lord Ellenborough himself proves the absurdity of the charge. He accuses Meer Roostum of endeavouring to commence a correspondence with our most faithful and esteemed ally, Maharajah Shere Sing; whereas this treasonable letter is one of a series, and speaks of treaties already concluded. Major Outram doubts its authenticity; Mr. Clerk doubts its authenticity; Captain Postans declares it is written by another person—the Minister of the Prince; and yet the Crown is made answerable for the act of the Minister. I would ask the right hon. Baronet at the head of the Government, whether he supports Lord Ellenborough's doctrine, and considers the Crown responsible for his own acts? I hold, that unless it was proved that this letter was written by the Ameer's express command or implied sanction, the Ameer is no more responsible than I am. With these opinions, I need not touch on the third charge. Such are the accusations, and such are the proof on which they rest. On grounds like these, Lord Ellenborough deemed himself justified in imposing his new stringent conditions; but even these conditions did not lead to the hostilities so much to be deplored. The Ameers accepted the Treaties; they actually signed the Treaties; they submitted to the preponderating force; and all would have been arranged, but for the series of aggressive measures of the British general, acting in obedience to his superior authority. I cannot pass over the painful story of Meer Roostum, that old and venerable chieftain, of whose good faith this volume affords so many instances. Bewildered and alarmed by the insulting language of the British representative, in the agony of distress he seeks the protection of the British general. We learn from the general's own letter, that fearing to be embarrassed—how embarrassed, if our intentions were peaceful and straightforward—he recommends him to seek refuge with his bitterest foe, his traitor brother Ali Moorad. What ensued? That brother, working on the fears and helplessness of the aged chief, induces

him to resign the chieftainship into his hands; and this, I learn, was a matter of congratulation in the eyes of the British general. In the mean time, the Treaty had been accepted, but not ratified; and what is the course pursued by the general? He takes forcible possession of the territory to be ceded by the yet unratified Treaty. Here is the first overt act of hostility. He next issues an order—and I should wish to know by what article in any Treaty he does this—directing the Ameers immediately to dismiss their forces—forces collected for self-defence. Not content with this, and, to use his own expression, "to show them that neither their deserts nor their negotiations can protect them"—he marches on Emamghur, and destroys the fortress. He then resumes his march on Hyderabad, takes prisoners a band of Beloochees with their chieftain, and keeps them in confinement. But I do not blame Sir Charles Napier. He only carries out his instructions. Lord Ellenborough approves of his conduct, and urges him to still further aggressions, while at the same time, in a strain of mockery, I suppose, he trusts that the Treaties will yet be signed without bloodshed. I have read the notes of conference with pain and humiliation. I find the Treaty, alleged by Lord Ellenborough to have been signed on the 14th, was actually signed on the 12th—a most material difference. At the very period of the conference, Sir Charles Napier's army had passed the frontier, and the Beloochees had flocked to the capital. I find the reiterated remonstrances of Major Outram had no effect on the impetuous general. I may have expressed myself warmly, but not half so warmly as I feel. Step by step I have followed our policy in that devoted country. I have seen our avaricious demands yearly increased. I have seen a war forced upon a submissive nation, to give colour to our exactions. I learn from the *Blue Book* that there are two laws—one for Englishmen, and another for Asiatics. I learn that there are cases where the British Government may infringe a solemn Treaty at pleasure, which cannot be broken, but at their peril by the Asiatics. When I took up this second volume, I hoped to find some defence—some extenuation of this flagrant outrage on the law of nations. But the letters of Major Outram lay the matter still more bare, and make the policy still more unpardonable. I suppose that the letter of Lord Ellenborough, dated the 26th of June, to the Secret Committee. is intended as his Lordship's explanation. It may satisfy him; but I feel assured it will satisfy no lover of justice. There are still the same absurd charges resting on the same weak evidence; and there are other statements, which a reference to the first *Blue Book* will easily refute. When Lord Ellenborough speaks of the Ameers assembling troops without legitimate cause, he forgets that he admits in his letter of the 14th of November that the preparations of the Ameers were merely defensive. When he writes that the British general had been drawn into the vicinity of Hyderabad by the Ameers, he forgets the numerous letters of Major Outram remonstrating against the advance, and explaining the submission of the Ameers. Here we have the old accusations reiterated; and of such materials is his explanation. The benefits that he tells us we are to derive from the annexation of Scinde are truly absurd. Forgetful of the immense military force requisite to maintain our position in that country, and of the noxious influence of the climate, he endeavours to excite the public feeling by imaginary advantages. His cultivation of the hunting preserves, his abolition of slavery, his grand projects for the opening old canals, are alike visionary. Why mention the hunting preserves, unless to excite a feeling against these unhappy princes? Are there not thousands of acres of equally fertile waste land throughout Scinde? As to the claptrap of abolishing slavery, all who know anything of slavery in those countries are aware, that next to the children, the slave is the best beloved of the family, and the one in whom most confidence is placed. Where are the funds for carrying out these grand plans of improvement? From Captain Postans we know the revenue of Scinde, and the cost of keeping it. I shall support the motion of my noble Friend, and I trust the House will weigh well the evidence before they destroy the last hopes of these unfortunate princes. I trust they will compare the many instances of good faith evinced by the Ameers with the trumpery charges brought against them. I trust they will remember their truth in the hour of our defeat and disaster. I would bring to their notice this new mode of treating fallen princes. I would bring before their eyes the features of that old and venerable chief, Meer Roostum, whose grey hairs we have brought down with sorrow to the grave. Shall his misfortunes descend to his innocent posterity, and his

whole family be involved in one common ruin? I shrink from such an awful responsibility, and I call upon the House to weigh well their votes, for we must all answer at that bar where Englishmen and Asiatics will alike find justice.

Sir *E. Colebrooke* would rather have been asked on this occasion the simple question, ay or nay, did the whole policy pursued towards the princes of Scinde redound to the credit of this country; and he had expected that the hon. Gentleman the Secretary of the Board of Control, would have relied upon something more than the vague and general statements which the hon. Gentleman had made to the House. He differed in opinion on this subject from almost every speaker, except perhaps the noble Lord who had just sat down. He did not believe that any of the princes of India really desired the overthrow of the British dominion. With respect to the independence of the Ameers of Scinde, the wonder to him was how they remained independent so long. They were divided among themselves by family dissensions; their people were divided in religious opinions; so that, in 1836, they gladly received our assistance, and had it not been for our interference they would have fallen a prey to the invasion of Runjeet Singh. The family dissensions among the princes rendered it evident all along that any combination among them to oppose us was not merely hopeless, but not even desirable for themselves. One of the despatches confirmed this view:—

"That two of them (said the resident), Noor Mahomed Khan and Nusseer Khan, may not be sincere in their professions of friendship, I can readily admit; but the dissensions of the Ameers among themselves are a guarantee that they will not only not act with unanimity but would shrink with terror from attempting anything against us."

When the British resident was withdrawn from Hyderabad it struck him (Sir E. Colebrooke) that no communication of that circumstance was made to the House, and in the course of the last Session, when he asked the right hon. Gentleman the President of the Board of Control whether he was aware of any such communication, that right hon. Gentleman seemed to think that he (Sir E. Colebrooke) wished to make an attack upon the Indian Government; but he intended no such attack. Still he thought that a communication of that circumstance was due to the Court of Directors and the country. It appeared that the Ameers were at a loss to understand the meaning of the Governor-general. Two views, then, might reasonably have occurred to the minds of the Ameers; first, that the British Government meditated hostilities, as was evinced by placing the conduct of affairs in the hands of General Napier, at the head of a large army. The second view might have been (what it was not unnatural to suppose), when our armies were withdrawing from Affghanistan, and from beyond the Indus, that we were about to withdraw from Scinde also. How was the report received by them? So far from exulting at it, they shrank from the idea. In the words of the agent—

"The Ameers are wholly at a loss to comprehend the reason for this; they dread a return of the Affghan oppressions, and messages are continually sent me from one or the other of the Ameers begging that some one may be permitted to remain at Hyderabad. Meer Shahdad has built a fort."

Then, again, the facilities our armies experienced in getting supplies should not be forgotten. How could the Ameers be plotting our overthrow when they were furnishing us with the means of carrying on a successful contest with the Affghans? Such a supposition was full of contradiction and absurdity. He should not go further into points on which the Secretary of the Board of Control had not thought proper to rest his defence of Lord Ellenborough.

Sir *R. Peel:* I cordially agree in one sentiment expressed by the right hon. Gentlemen, (Sir C. Hobhouse), that in discussing questions of Indian policy, this House ought to put a liberal construction, not merely upon the motive, but upon the conduct of public men entrusted with great responsibility, acting at a great distance, and having the destines of a mighty empire committed to their care, and I can assure the House that no consideration on earth could induce me to rest the vindication of Lord Ellenborough's policy on a condemnation of the policy of Lord Auckland. I could under no circumstances have consented to the motion made by the hon. and learned Member for Bath. On the contrary. I should have willingly extended to Lord Auckland the same credit which is claimed for Lord Ellenborough; and from my own personal knowledge of Lord Auckland I must say, so far as motive is

concerned—I have had occasion to express my opinions freely with respect to the policy of Lord Auckland as to the expedition to and invasion of Affghanistan—but so far as motive is concerned—I do not believe that any man ever administered important public functions with a greater desire to promote the interests of his country, or with greater devotion to its welfare. Independently of this, there is another ground for making allowances for the conduct of Lord Auckland or Lord Ellenborough, acting under the circumstances under which all Governor-generals of British India are always placed. We may in this House lay down what positions we please with respect to the propriety of observing in our Indian policy the same rules and principles which are observed between European States—we may pass acts of Parliament interdicting the Governor-general from extending our Indian territories by conquest; but I am afraid there is some great principle at work wherever civilization and refinement come in contact with barbarism, which makes it impossible to apply the rules observed amongst more advanced nations; more especially when civilization and refinement come in contact with barbarism in an immensely extended country. I doubt whether it be possible, if you wish to increase the security of your Indian empire that you can rigidly adopt the principle with respect to the nominally independent and small states in India which is adopted in Europe. Take the case of Affghanistan. Assuming that it had been necessary, for the maintenance and security of the Indian empire, to counteract the designs of Persia or of Russia in respect to Affghanistan, and that Scinde—a country nominally independent—was interposed between you and Affghanistan; would it have been possible for the Governor-general of India to have acted upon those principles which would, under almost similar circumstances have been observed and acted upon in Europe? Would it have been possible for him to have said, "Unless the inhabitants of Scinde do voluntarily consent to give to me a free passage through their territory unless I gain that permission, I will respect their political independence? I will look on and see Persia and Russia making rapid strides into Affghanistan for what ulterior purposes they please, but I am determined not to stir; I will not consent to pass through Scinde because it is an independent state without the free assent of the powers of that country." Could such a policy be acted upon in India? Consider how many small independent states you would have to deal with in that respect, and how complicated would be your operations in order to retain your domination in that vast territory. And what would you be ultimately compelled to do, to protect your own territory? You would not, perhaps, effect that protection by taking forcible possession of those states which offered obstacles in your way but by other equally effectual means; by placing your resident at each of their courts, and by subsidizing their troops, and thereby obtaining an effectual political sway over them. Whatever may be the principle which may regulate the conduct of civilised nations when coming in contact with each other, I am afraid that when civilization and barbarism come into contact there is some uncontrolable principle of a very different description, which demands a different course of conduct to be pursued. I have already said that I would not purchase the vindication of Lord Ellenborough at the expense of Lord Auckland. But it is perfectly consistent with this declaration, in order to come to a right decision to regard the position in which Lord Ellenborough has been placed by antecedent events. It is not necessary for me to assert that all Lord Ellenborough's proceedings must inevitably be attached to those antecedent events; and as I did not formerly upon these principles concur in a vote of censure on Lord Auckland in respect of a policy of which I entertained doubts, by bringing the whole weight of Government to bear against those whom we have succeeded, and though it is not my purpose to question the policy of Lord Auckland, it is impossible to put out of account, in considering the cases of Lord Ellenborough and Sir Charles Napier, the position in which they found themselves in the latter part of the year 1840. What was the state of things which Lord Auckland had established in Scinde by the policy he had pursued? It was briefly described in the following extract from a despatch of the Governor-general to the Secret Committee, dated camp at Pinjore, March 13th, 1839:—

"I may be permitted to offer my congratulations to you upon this timely settlement of our relations with Scinde, by which our political and military ascendancy in that province

is now finally declared and confirmed. The main provisions of the proposed engagements are, that the confederacy of the Ameers is virtually dissolved, each chief being upheld in his own possessions, and bound to refer his differences with the other chiefs to our arbitration; that Scinde is placed formally under British protection and brought within the circle of our Indian relations; that a British force is to be fixed in Lower Scinde, at Tatta, or such other point to the westward of the Indus as the British Government may determine; the sum of 3 lacs of rupees per annum, in aid of the cost of this force, being paid in equal proportions by the three Ameers, Meer Noor Mahomed Khan, Meer Nusseer Mahomed Khan, and Meer Meer Mahomed Khan; and that the navigation of the Indus, from the sea to the most northern point of the Scinde territory, is rendered free of all toll. These are objects of high undoubted value, and especially so when acquired without bloodshed, as the first advance towards that consolidation of our influence, and extension of the general benefits of commerce throughout Affghanistan, which form the great end of our designs. It cannot be doubted, that the complete submission of the Ameers, will go far towards diffusing in all quarters an impression of the futility of resistance to our arms. The command of the navigation of the Indus up to the neighbourhood of the junction of the five rivers, will, by means of steam-vessels, add incalculably to the safety of our frontier. And the free transit of its waters, at a time when a considerable demand for merchandise of many kinds will be created by the mere onward movement of our forces, will give a spur to enterprise by this route, from which it may be hoped that permanent advantage will be derived. The arrangement may seem in some measure unsatisfactory, inasmuch as so small an annual sum as 3 lacs of rupees will go but a short way towards defraying the expense of our force to be stationed in Scinde. But it has been the deliberate opinion of Colonel Pottinger, to whom the subject has been at different times referred for the most careful examination, that the Ameers draw but a very slender revenue from their districts, and that no heavier imposition could well be fixed upon them. I have been the more disposed to admit the justice of this view, so long as the Ameers continue stedfast to the engagements which are now to be exchanged with them, because I am anxious that all our measures should bear the character of a just forbearance and moderation. It is to be remembered, that no arrangement has yet been formed with the chief of Meerpore, who has distinct possessions in Lower Scinde, and that some addition to the annual pecuniary contribution may eventually be obtained from him. To ourselves it is so desirable to have the military control of the Indus, that it would have been highly expedient to introduce our troops into Scinde, even were the whole cost to be paid from our own treasures. In fact, on the probable supposition that we shall not permanently maintain a force of more than 2,500 men in Scinde, the arrangement would be, under any circumstances, inexpensive, as being little else than an advance of our frontier stations from those at present occupied by us in Cutch and Guzerat."

Thus it appears that Lord Ellenborough did not find Scinde an independent country with which he had to deal; but from the conduct of his predecessor he found a country over which the political and military ascendancy of England had been established. This passage showed that, in fact, by the policy of Lord Auckland, the independence of Scinde was at an end. You intended, in fact, to maintain, and you had a force of 2,500 men in that country; and, above all, you had gained this great advantage, not merely to yourselves personally, but to the cause of civilization —you had procured the advantage of opening the Indus; you had made stipulations with the Ameers to prevent restrictions upon commerce, or imposition of heavy duties, either of which would have prevented that accession of commerce for which the Indus was the great high way. These were the results of Lord Auckland's policy, which Lord Ellenborough found existing when he assumed the reins of government. He found also that you had experienced great reverses in Cabul, and that it was necessary to do what, I will venture to say, had never been done before by England—cover it over as you might with your rejoicings for victories previously gained—he found it absolutely necessary, for the security of the Indian empire, that you should make a retrograde movement and abandon Cabul. You could not do that without shaking in many states their confidence in your supremacy. There were indications of a disposition to attack our forces in Nepaul, Gwalior, and Bundelkund, in countries having armies of from 30,000 to 50,000 combatants, in consequence of your reverses in Affghanistan, which led to the impression that your military supremacy was drawing to a close. How, under these circumstances, was Lord Ellenborough to deal with Scinde? These advantages had been gained by his predecessor. The retrograde movement being necessary, it was determined to evacuate Cabul by the Khyber Pass. Could they at the same moment have carried on a simultaneous operation in Lower Scinde? What would have been

the position, if at the time they were conducting operations from Cabul by the Khyber Pass, they had attempted to carry on a similar operation by the Bolam Pass? Could you have done it with safety? Would your rear not have been pressed upon by an enormous host, perhaps of undisciplined, but most powerful troops. Had Lord Ellenborough adopted a course different from that which he pursued, he must have abandoned Kurachee and given up the commerce of that and of the Indus. Sir C. Napier truly represented the duties on traffic in that part of India to be exceedingly high, and yet at the time to which he was then referring the tolls were about to be raised. Suppose the British forces had abandoned the country, the apprehended impediments to commerce must have arisen; it therefore became necessary for him to maintain whatever he had a right to maintain, provided he could do so in safety. He had no alternative but a proposition for a revival of the treaty with Roostum Khan, when it appeared that that person had written a letter, the authorship of which had not been fully brought home to him. That might be so, but if the British authorities were now to take any steps without evidence fitted for a court of justice in this country, then he did not hesitate to say that we must be prepared for heavy blows and great detriment to our interests in India. What was the state of the case as regarded one of the Ameers? He employed a Prime Minister respecting whom he had often received warning that he was unfriendly to the interests of England. There was an admission of the fact, and they found this Minister intriguing as he pleased; and they found also that the imbecile Ameer did not punish him. Now, why must they wait to have legal evidence of the complicity of this imbecile old man of eighty-five years, before they took any steps for their own protection against an active Minister who was unceasing in his plots and intrigues against British interests? If they were to wait for complete evidence in a case like that, they might as well at once prepare for the evacuation of the country. In the year 1839, the Ameers were suspected of treasonable correspondence with Persia. Lord Auckland said, he did not think the evidence sufficient, but he thought it would be difficult to establish satisfactory proof till a British army occupied the territory; it became necessary, therefore, in all cases of this kind, to be content with moral conviction With respect to Sir Charles Napier, I shall have occasion on Monday to attempt to do justice to the achievements of that most distinguished man. It is my firm belief, that but for his personal courage and desperate fidelity to the cause of his country, not one man of the British army would have been left alive. I think he has exhibited not only a noble example of British courage and military skill, but the greatest civil sagacity. But, as I have said before, I shall have to attempt on another occasion to do justice to Sir C. Napier, when I trust this House, without exception, will be unanimous, for I shall studiously avoid any reference to political matters, as it will be my duty exclusively to attempt to do justice to the merits of that distinguished man. With respect to the motion of my noble Friend, it is quite out of the power of the Government to acquiesce in that motion. My noble Friend does not propose a condemnation of the policy of the Government, or a condemnation of the policy of Lord Ellenborough, and I doubt whether it would not have been an infinitely more satisfactory mode of meeting the question to have called upon the House of Commons fairly to pronounce an opinion upon the policy, and have left that declaration of opinion to be followed up by its natural consequences, rather than to maintain reserve as to that policy, but address the Crown to take a certain course in another respect. My noble Friend proposes an Address to the Crown, to take into consideration the situation and treatment of the Ameers of Scinde, and that Her Majesty will direct their immediate restoration to liberty, and the enjoyment of their own estates, or with such provision for their future maintenance as may be considered a just equivalent. I trust the House of Commons will not consent to prescribe a rule affecting the policy of the Government of India which shall be followed at a distance of 5,000 miles in total ignorance of what may have intervened. The immediate restoration of the Ameers to liberty must be the necessary consequence of the passing of this resolution. Under that resolution the Government will be compelled, whatever may be the state of Scinde, to send these Ameers back to their country. And I do not profess to have confidence in our presen

alliance—even in the friendship of Ali Moorad—but the result of the adoption of this resolution will be a permission to all these Ameers again to return to Scinde, and there, if so inclined, to enter into intrigues against the British power in India. Can the House of Commons venture to take that responsibility upon themselves? But my noble Friend proposes, not only that the Ameers should be restored to liberty, but to the enjoyment of their estates. I admit it is a great question of public policy how, justly, we should treat them; a great question of public policy as to the mode of providing for the Ameers of Scinde, and fairly an object of consideration whether we should establish the Ameers in a subordinate capacity, and through their instrumentality carry on the Government of that country. Those questions have been well considered, and I earnestly advise the House of Commons to leave them with the executive Government. They embrace considerations of the greatest difficulty, and the opinion which we have formed is, that it would not be safe to permit them to return back. The restoration to their estates, depriving them of political power, must leave them in full possession of the means of carrying on every intrigue against us, and place them in a position to render those intrigues successful. When we consider the immense landed possessions which they are to occupy in Scinde, discontented with your authority, because you have taken from them the power which they have heretofore possessed—may it not be of great importance to permit their return to Scinde, with the restoration of their estates and residence there as landed proprietors, discontented and dissatisfied? But my noble Friend says, give them a just equivalent for their estates. What does he mean—that we should ascertain the value of their estates? It would be rather a large demand upon the revenues of Scinde I apprehend, and that coupled with the condition that they are to have their personal liberty, and be freed altogether from restraint—I ask the House of Commons to beware of a resolution which may involve the British army and the interests of the British Government in the greatest difficulty. Sir, in this sentiment I entirely concur, that Her Majesty should take into consideration the situation and treatment of the Ameers. Whatever may have been their misconduct, we ought not to forget their misfortunes. We ought not to exclude from our indulgent and liberal consideration the height from which they have fallen, and the rank which they held. I assure my noble Friend, that it is the wish of the Government here, and also of the Government in India, that no restraint of a personal nature should be imposed on these Ameers for the mere purpose of punishment—that there should be no restraint placed on their personal liberty which is not to be justified by considerations of public necessity. It is now under consideration whether their removal to another part of India from that in which they have been may not admit of less restraint than they have hitherto been subject to. With respect to their personal enjoyments, on the part of the Government of England and the Government of India, I can truly say that no narrow consideration of economy will be permitted to interfere with their most liberal, considerate, and kind treatment. At present 24,000*l.* are allowed for their maintenance, but if that were deemed by them insufficient, and it could be fairly shown that a larger sum is necessary for the purpose of supplying them with any comforts and luxuries to which they have been heretofore accustomed, I can assure the House that no narrow economy would prevent the fair consideration of the subject. I trust the House of Common will consider the distance, the character, and the disposition of the persons uncontrollable for years by the authority of the Ameers, and that they will recollect that they must necessarily be ignorant of all intervening events. My opinion is, from the character and successful administration of the present Governor-general, that we may safely trust the consideration of these matters to his hands. At any rate I trust the House of Commons will not assume a responsibility which I do not think would be safe.

Lord *John Russell* said, that after the speech of the right hon. Baronet, he deemed it necessary to say a few words to explain the reasons for the vote he should give. The noble Lord's motion relative to the treatment of the Ameers of Scinde was entirely irrespective of the original policy of the war, and entirely irrespective of the injustice of adding the whole of the territory of Scinde to our Indian possessions. Addressing himself at once to the immediate motion, he should say he agreed generally with what the right hon. Baronet

had stated on the subject. He was glad to hear from him an assurance that no consideration of economy should stand in the way of that which was necessary to administer comfort to these captive princes. The right hon. Baronet said, and he likewise agreed with him, that it would be very difficult indeed for the House of Commons to require a further assurance, either from the Crown or from the Minister representing the Crown in that House, that the Ameers, in the present state of Scinde, should be set at liberty. He was not aware what might be actually the state of Scinde at this moment. The hon. Member for Bath had read a letter from Sir C. Napier, to the effect that he had found it necessary to disarm the population of that country; that there was a great proportion of the population accustomed to arms; that more than half the population were Mussulmen, and were in the habit of carrying arms, and it had been necessary to disarm them. He could not feel sure, that if the liberation of these Ameers were to take place, although the country might be getting into a state of quiet, there might not yet be such a combination of the former followers of these Ameers, and such a state of contention and anarchy aroused, as would require another force to subdue it. He felt that he could not take on himself the responsibility of a vote which might have such consequences. He could not, therefore, after the assurances they had received from the Minister of the Crown, agree to the Address proposed by the noble Lord. He gave the noble Lord every credit for the motives which had induced him to bring forward this question; and he had made many observations which had great weight. If this policy were a right policy—even if it were necessary on the part of Lord Ellenborough—supposing it to be necessary to acquire a large advance of territory, the events of the last few years had come so suddenly after each other, and the proceedings to be taken necessary for our safety had been so calculated to excite resistance on the part of the Ameers, that the House was bound to consider, with the noble Lord, that the Ameers were entitled to every indulgence and liberty which could be given to a fallen foe. The right hon. Gentleman had, however, entered into another question not before the House in the motion of the noble Lord. He had entered into the question of the policy of Lord Ellenborough in India. He felt aware of the justice of the observations which had been made by the Secretary of the Board of Control upon this subject, that the supplementary papers had scarce been in the hands of the Members a week—these papers threw a great light upon the original papers, which were furnished last year; and it would be very difficult, if the present motion were either to condemn or to justify Lord Ellenborough's policy—it would be very difficult to come to a correct decision, and for his own part, he could not attempt, without having first carefully studied those papers, to come to any decision which would be satisfactory to his own mind. In giving his vote against the motion of the noble Lord (Lord Ashley) he wished to imply no opinion with reference to the policy of Lord Ellenborough. The right hon. Gentlemen opposite (Sir R. Peel) and his right hon. Friend (Sir J. C. Hobhouse) near him, had remarked, that it was a consideration which should be borne in mind by the House, if they were debating that question, that Lord Ellenborough was placed in circumstances of great difficulty—that the disasters in Affghanistan—the retreat, which he thought justifiable, from the occupation of that country, were likely to produce an impression of the decline of the British military force in India, and that Lord Ellenborough might have other questions to consider, of which it was very difficult to convey any impression at such a distance as India was from this country. Impressions might have arisen in India which it might have been necessary to correct, and that speedily, and by a most decisive mode of action, lest they should become extremely formidable. He trusted he should always feel that those were considerations which must be borne in mind in any opinions at which he might arrive. On the other hand, however, he could not but say, that he felt the confidence which he might otherwise have had in Lord Ellenborough a good deal shaken by the wavering and changes in his policy after he arrived in India. One of the first acts which had since resounded throughout the whole globe, was to issue a proclamation, which seemed very like a violent philippic against his predecessor, and in which he declared it to be his policy to keep within the Indus, which he was pleased to declare formed the natural limit of an empire, which, as far as he

knew, had no natural limit in any sense of the term. Then they would find that exactly one month after that — the former declaration being made upon the 1st of October, and the latter upon the 4th of November—Lord Ellenborough announced a distinctly different policy, affirming that we must have an addition to our territory, and that that addition must be to the west of the Indus. It might be quite necessary, that we should have adopted the latter policy, but he could not help thinking, if it were necessary, that it had been rendered so by the injurious effects to our power in India, caused by his first proclamation. It was impossible that any man reading these proclamations should think otherwise, than that our force and preponderance in India were matter of doubt. As he said before, these were considerations which would strike him, if he had to come to any decision upon Lord Ellenborough's policy. He certainly thought, that, upon the whole subject, he could give no opinion as a Member of that House. There were two points, however, upon which he was quite ready to declare that he had a very decided opinion. First, it appeared to him to be perfectly clear from the papers before the House, that Sir Charles Napier—after the line of policy that had been taken by Lord Ellenborough—that that gallant Officer, with a view to the safety of his army, and with a view to the preservation of anything like our supremacy in India could have acted in no other manner than he did. He quite agreed with those who said, that if Sir Charles Napier had acted otherwise, that if he had delayed his march any longer he would have put his army in jeopardy, and with the destruction of that army the power of the British empire in India would have been weakened to an extent fearful to contemplate. With respect, therefore, to Sir C. Napier, whether regarded in the light of a gallant and skilful officer, or as a man not wanting in moral courage upon a great crisis, he was willing to concede to him his humble share of approbation. He felt, however, that there was another and a very different question to which he must advert. He referred to certain general principles laid down by the right hon. Gentleman opposite (Sir R. Peel) with respect to civilization, and to the impossibility of applying to Scinde Laws of Nations. Very loose as those Laws of Nations generally were, and God knew favourable enough as they were to conquest and aggression of all kinds whenever there were found princes of Europe ready to undertake conquest or aggression, he could not agree that the laws which governed an intercourse with other nations should be suspended in our transactions with Scinde. Such an admission would seem to leave such a latitude, and so to overthrow all moral control, that he for one should be sorry to participate in it. They had been favoured with a prophecy from the hon. and learned Member for Bath, to the effect that the next aggression which we were to make was to be the conquest of the Punjaub. He could very well understand the principles upon which Lord Auckland proceeded to Affghanistan. He could well understand a league comprising the princes of Persia, the chiefs of Cabul and Candahar, and the Ameers of Scinde, backed either openly or secretly by Russia, which should make it necessary to advance across the Indus; he could readily understand such perfidy upon the part of the Ameers of Scinde, as might well justify Lord Ellenborough in all the steps which he had taken with respect to Scinde; but with regard to anything which he had heard in reference to the Punjaub, he could see no reason for imagining that our next step in advance would be in that direction. He could not help referring to the excuse which had been brought forward in vindication of Scindian policy, as to that country being in a state of anarchy and misgoverned, subject to no control, and proceeding to the length of murdering its princes; but if they listened to such an excuse as that —if they considered that, because a country was not well governed, or if they thought that they could govern it better —or upon a maxim equally dangerous, that upon one side there was civilization, and upon the other barbarism, and that, therefore, they must always be making advances upon barbarism—if they acted upon those principles, he said, the British empire in India, instead of becoming stronger, would increase to such an extent, that it must be weakened in consequence of those continued aggressions. With respect to the whole subject, if it were to be debated at all, he must say that he should certainly have expected to hear some opinions from some Members of that House who had the

honour of a seat in the East India direction. In the hands of the East India Company was placed, to a considerable extent, the Government of India, and as there were several hon. Gentlemen in that House who were directors of that company, who had as yet expressed no opinion, he thought that the House, if it were called upon to come to a decision upon the subject, would be much enlightened by the explanation which they might be able to give of those particular transactions. However, as he stated at the commencement, the only question at present was, whether they would agree to the motion of the noble Lord. He, for one, felt that he could not take upon himself that responsibility. He did not expect that that motion would be carried, but he trusted that the noble Lord would have the consolation of thinking, if there were any intention upon the part of the Government in India not to treat the Ameers with all the liberality to which they were entitled, that his motion would then have defeated any such object.

Sir *R. Peel* observed, that the noble Lord had put a wider construction on what had fallen from him than he was justified in doing. The noble Lord had imputed to him that he had said, that the principles of those international laws which governed the intercourse between the states of Europe could not be depended on in our intercourse with the nations of the east. Now, what he said was this; that there were cases in which they would refuse to interfere with nations in Europe, but when under similar circumstances they would be called upon to interfere in India. He could not understand how on any other principle Lord Auckland's policy could be defended.

Mr. *Hume* had never heard with more astonishment any observation than that which had fallen from the noble Lord as to the influence of the opinions of the Board of Directors. It must be well known to the noble Lord, that the Board of Directors was a perfect cipher on political matters, and that the Board of Control could do just what it pleased as to the government of India; therefore to ask for the opinion of Directors of the East India Company having seats in that House was a perfect farce. He should vote for the motion of the noble Lord, not that it went to the length which he desired, for he should have preferred it if it went much further. The right hon. Baronet had said, that Lord Auckland had succeeded in making each Ameer independent, and yet he stated, that a letter proved against one only of the Ameers, Meer Roostum, was to justify the policy of Lord Ellenborough against all. On these grounds he considered these proceedings to be impolitic and unjust, and that in all times hereafter the word of England would be worth nothing. He trusted, that the right hon. Baronet would soon effect the object of the present motion, and make the Ameers complete compensation. He was satisfied, that within two years—the period fixed by his hon. and learned Friend for the accession of the Punjaub—the East India Company would be perfectly tired of our position in Scinde, and be glad to get rid of it; for we had an army there which cost four times more to maintain it than the whole revenue of the country; and on the ground of character, it was the greatest loss the East India Company had ever sustained.

Mr. *Vernon Smith* thought that the integrity of our Indian empire would receive assistance from the knowledge of the fact, that some sympathy was exhibited in this country for the Ameers, and that even the Governor-general himself ought to be pleased that this sympathy was shown. The right hon. Gentleman said, that their return to Scinde was necessary if they were set at liberty; but they might be restrained, like the sons of Tippoo Saib, who, though released, were prohibited from returning to Mysore. In his opinion, however, if the people of Scinde were as happy and contented as they were described, the Ameers might even be admitted to Scinde without causing real danger. He must protest, in common with his noble Friend, against the doctrine of civilization being compelled to be unjust to barbarous states, propounded by the right hon. Baronet.

Lord *Ashley*: At that very late hour of the night, he would not avail himself of his privilege of reply, even if anything had been stated which affected his arguments. But he had not heard one single thing against his motion which ought to cause him to detain the House. There was only one thing which needed a word of comment. If the House were not to interfere, and if it were scrupulously to refuse to redress any evils, what became of the responsibility of the Governor-general?

What became of the great controlling power of the House to superintend the whole of the officers of the Government? The whole arguments of the right hon. Baronet and of the hon. and learned Gentleman, the Member for Bath, turned upon reasons of State. They urged that the conduct of the Governor-general with respect to the Ameers of Scinde was founded upon reasons of State. If, for the sake of argument, and for the sake of argument only, he admitted that reasons of State were sufficiently cogent to justify the conduct of the Governor-general, were we to visit with punishment these miserable Ameers, whom we felt we must maintain in their possessions, though they had been engaged in some intrigues; and, then, because we had reasons of State, were we to allow them no longer to rule, and tear them from their thrones? He had heard one statement from the hon. Gentleman, the Member for Bath, which he never should have expected to fall from any hon. Member, and certainly not from a legal Member of that House, that the non-production of the documents which might have proved the vindication of the Ameers was only a feather. Why, it was the last feather which broke the elephant's back. He assured the gallant Commodore (Sir Charles Napier) that he did not quote the letter of Sir Charles Napier in any invidious spirit; he had so stated at the time, nor did he do it to complain of Sir Charles Napier, but it was necessary for him to refer to it, as the advocate of the Ameers, to show how they were treated. He was glad to hear from the right hon. Baronet at the head of the Government, that the state of the Ameers was entitled to the consideration of the Government. He was sure that the Government must sympathise with them, but these promises of sympathy would not be a sufficient alleviation of their condition. They were entitled to more: they were entitled to their liberty. He did not mean to say, if that were restored to them, that it was necessary for them to return to Scinde; but even if that should be the consequence, he could quote from Sir C. Napier himself, that nothing was so hated in Scinde as the Ameers. They were loathed by the Mahomedan people, and even the Beloochees had discarded them. All he had heard from his right hon. Friend was not by any means sufficient, according to his views; and however great might be his regret at the inconvenience to which he would put the House, and at opposing old political friends, still he must, by his vote, express his opinion of an act which reflected no credit on the nation to which we belonged, or to the religion we professed.

The House divided:—Ayes 68; Noes 202:—Majority 134.

List of the Ayes.

Arundel and Surrey, Earl of	Hume, J.
Barnard, E. G.	Labouchere, rt. hn. H.
Borthwick, P.	M'Geachy, F. A.
Bowring, Dr.	Mangles, R. D.
Brotherton, J.	Manners, Lord J.
Browne, hon. W.	Marsland, H.
Buller, C.	Maule, rt. hon. F.
Busfeild, W.	Morris, D.
Cochrane, A.	Muntz, G. F.
Cowper, hon. W. F.	Napier, Sir C.
Denison, J. E.	O'Brien, A. S.
Disraeli, B.	Paget, Lord A.
Divett, E.	Pattison, J.
Duncan, G.	Pechell, Capt.
Duncombe, T.	Plumridge, Capt.
Dundas, F.	Pryse, P.
Dundas, D.	Pulsford, R.
Easthope, Sir J.	Repton, G. W. J.
Ebrington, Visct.	Ross, D. R.
Esmonde, Sir T.	Smith, rt. hon. R. V.
Ferrand, W. B.	Stanley, hon. W. O.
Gardner, J. D.	Stewart, P. M.
Gisborne, T.	Stock, Serj.
Gore, hon. R.	Strickland, Sir G.
Granger, T. C.	Tancred, H. W.
Grey, rt. hon. Sir G.	Thornely, T.
Hall, Sir B.	Trelawny, J. S.
Hastie, A.	Tufnell, H.
Hawes, B.	Wallace, R.
Hill, Lord M.	Wawn, J. T.
Hindley, C.	Wood, C.
Hollond, R.	Wyse, T.
Horsman, E.	
Howard, Lord	TELLERS.
Howick, Visct.	Ashley, Lord
	Jocelyn, Visct.

List of the Noes.

Acland, T. D.	Bell, M.
A'Court, Capt.	Bentinck, Lord G.
Aldam, W.	Beresford, Major
Alford, Visct.	Berkeley, hon. C.
Allix, J. P.	Bernal, R.
Antrobus, E.	Blakemore, R.
Arbuthnott, hon. H.	Boldero, H. G.
Arkwright, G.	Botfield, B.
Bagot, hon. W.	Bradshaw, J.
Bailie, Col.	Broadley, H.
Baldwin, B.	Bruce, Lord E.
Balfour, J. M.	Bruen, Col.
Baring, hon. W. B.	Buckley, E.
Barrington, Visct.	Burroughs, H. N.
Baskerville, T. B. M.	Cardwell, E.
Beckett, W.	Charteris, hon. F.

Chetwode, Sir J.
Cholmondeley, hn. H.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Colvile, C. R.
Compton, H. C.
Connolly, Col.
Copeland, Ald.
Corry, rt. hon. H.
Cresswell, B.
Cripps, W. H.
Dalrymple, Capt.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marq. of
Drummond, H. H.
Dundas, Adm.
Du Pre, C. G.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Escott, B.
Farnham, E. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Hale, R. B.
Halford, H.
Hamilton, J. H.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Hussey, T.
Hutt, W.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lawson, A.
Leader, J. T.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
M'Neill, D.
Mahon, Visct.
Manners, Lord C. S.
March, Earl of
Marjoribanks, S.
Marsham, Visct.
Martin, C. W.
Marton, G.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Morgan, O.
Murray, A.
Neville, R.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Oswald, A.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Philips, M.
Pigot, Sir R.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pusey, P.
Rashleigh, W.
Reid, Sir J. R.
Roebuck, J. A.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Somerset, Lord G.
Standish, C.
Stanley, Lord
Stanley, E.
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Tollemache, hon. F. J.
Tomline, G.
Towneley, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Waddington, H. S.
Walsh, Sir J. B.
Wilshere, W.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. Jas. S.
Wortley, hon. Jn. S.
Wrightson, W. B.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

MR. BONHAM—THE STOREKEEPER OF THE ORDNANCE.] Mr. *Divett* rose to bring forward the motion of which he had given notice, for an Address to Her Majesty, praying Her Majesty to dismiss F. Robert Bonham, Esq., from the office of Storekeeper of Her Majesty's Ordnance. He always addressed the House with considerable reluctance, and more especially when the matter in some measure concerned himself; but he felt that he had a public duty to perform on this occasion. He considered then, that he had very great reason to complain of the conduct of Mr. Bonham, with reference to certain proceedings in the city of London election; but he should not have felt it necessary to call the attention of the House to Mr. Bonham's conduct merely on that account, did not that hon. Gentleman fill a public position. It was well known, that the hon. Gentleman was the confidential election agent of the Conservative party. [*Laughter*] Gentlemen might laugh, but the fact was notorious in all political circles, and which ought to be made notorious to the country, because, in his capacity as the great Conservative election agent, he often did things for which those who employed him ought to be made responsible. The hon. Gentleman had been the election agent of the party before they last came into power, and his services had been so efficient, that the Premier, on his accession to office, offered him, as a reward for them, the important and ornamental office of Sergeant-at-arms of the House of Commons. The hon. Gentleman, not thinking this office suited for his peculiar talents, declined it, and then, he had received

the Storekeepership of Her Majesty's Ordnance, which suited him better. What were the duties which had been performed by the hon. Gentleman as election agent? When an election was about to take place, and a gentleman came to town about the matter, he was introduced to Mr. Bonham. When gentlemen came from the country on the subject of Motions, they proceeded at once to Mr. Bonham: he was the golden image to which they paid their devotions. At Bridport, where such proceedings had been disclosed as digusted the House only a short time ago, Mr. Bonham was the individual sent down to treat with the parties. Matters of a confidential character, which were not thought to fall within the duties of the Secretary to the Treasury, devolved naturally into the hands of Mr. Bonham. At the last London election, Mr. Bonham had, perhaps, rendered more important services than on any previous occasion. Committees were formed, at which various Members of the Government, particularly the Attorney-general, took an active part. He should not have introduced the name of that right hon. Gentleman, if, on a former night he had not held out a sort of threat to him when he, the hon Gentleman said, that such a notice as he had put on the books, was almost indecent. He did not at all understand such expressions from the first Law Officer of the Crown, since it was the duty of Parliament to take cognizance of such conduct. It was essential that the House should look with great jealousy at proceedings of the kind, and if any thing were disclosed inconsistent with honour and propriety, to investigate it strictly. The great activity of Mr. Bonham during the last London election had been remarkable: he had vibrated between the Carlton Club and the Treasury, the Treasury and the City, and the City and Spring-gardens. On the Monday previous to the election, Sir Gregory Lewin, the Recorder of Doncaster expressed his extreme reluctance to remain in town to vote; and after some consideration, he had agreed to pair with Sir Gregory, so that neither should go to the poll. Sir G. Lewin had informed him on Wednesday, that his friend Mr. Bonham, to whom he had communicated the fact, had written to say that his pair was perfectly satisfactory. On Thursday he returned to his house, and produced a note from Mr. Bonham, as nearly as he (Mr. Divett) could recollect, in these terms:—"You must come to town to vote. After the most patient search, Divett's name cannot be found in the register." He could not vouch for the exact words, as he had not the original, but the note concluded by a request, that Sir G. Lewin would write to him to inform him of the fact. On reading the note, he had observed to Sir G. Lewin, that was most extraordinary, and that the fact was not as Mr. Bonham represented it, for he had seen his name in the register himself. However, to leave Sir G. Lewin perfectly unshackled, he agreed, unless Sir G. Lewin heard something to the contrary, that they should both go to the poll. Nothing more having been heard from Mr. Bonham, they determined to go to the poll next morning early. They were not detained at the booth two minutes, and they proceeded to Devonshire the same evening. He should not have made any complaint against Mr. Bonham, but should have assumed that he had proceeded on a mistake, if he had heard anything more from him on the subject; but from that time to this, he had not heard a single syllable. It seemed possible that Mr. Bonham should have been called upon by some of his own friends to explain the matter: nothing of the sort. Mr. Bonham had given no explanation; but from Sir Gregory Lewin he had the next day received a letter to the following effect:—

"My dear Divett—Although you have had your revenge in the defeat of Mr. Baring, I have thought it right to send the following to Bonham for you:—

"Divett is full of indignation; he considers that he has been insulted by the Conservative party, and has expressed his determination to write even to Sir Robert Peel, to know if such a mode of carrying on elections is sanctioned by him. His name was as plainly on the registry as mine, and it needed no search to discover it; he voted for his friend, Mr. Pattison, and returned by the same train with me. I am very much discomposed by the affair, and not the less because you are mixed up with it. The party who made you the medium of a statement which was not true, in fact, ought to give you an explanation of their conduct; at present it looks wilful, and if so, disgraceful; if it arose from negligence, it is discreditable.

"Your's truly,
"Gregory Lewin."

In mere fairness when Mr. Bonham found out his error he ought at once to have said so. Mr. Bonham, on the *ipse dixit*

of somebody had assumed that he (Mr. Divett) had been so base as to assert that his name was upon the register, when in fact, it was not to be found there. This he considered a very gross insult. He had heard it said within a very short time, that Mr. Bonham had stated to the right hon. Baronet at the head of the Government, that he was in no way responsible for the mistake—that the statement had been made to him, and that he believed it; he could only observe upon that, that if he had not had an honourable man to deal with, Sir Gregory Lewin, on the foundation of Mr. Bonham's assurance, might have felt justified, without notice, in coming to town from the country and voting at the election, in spite of the agreement to pair. It was a most curious fact, which ought not to be omitted, that at the very moment when it was asserted that his (Mr. Divett's) name was not on the register he was in possession of several letters from one of Mr. Baring's committee canvassing him for his vote. It was the nicety of feeling on matters of this kind that gave our nation such advantages over other countries. He hoped that this scrupulousness on matters of honour would still be maintained, and he was sure that no man felt the value of it more than the Prime Minister. That right hon. Gentleman was always ready in proper cases to stand forward in defence of his subordinates; but no man was more anxious that there should be no failure among his friends in the smallest *minutiæ* of honourable deportment. It was of great importance to preserve a high tone of feeling: it enabled Great Britain to take a loftier position than other nations, and he might refer particularly to the democratic country of America, where practices prevailed, in relation to elections, which made approaches to the character of swindling. He hoped that Mr. Bonham would avail himself of this opportunity of exculpating himself from the charge. That gentleman had certainly taken a course which no man in the situation of the confidential agent to a party ought to have pursued. Without troubling the House further, and thanking it for its indulgence, he should conclude with the motion of which he had given notice. The hon. Gentleman concluded by moving a resolution that the conduct of J. R. Bonham, Esq, while holding a highly important office, was inconsistent with the duty of a servant of the Crown, and praying Her Majesty to dismiss him from his office. The motion found no seconder.

Sir *R. Peel* rose, not to second the motion, but to move that the House should adjourn. Although the hon. Gentleman had not been fortunate enough to find a single Member to second his motion, yet as that motion implied a reflection upon the conduct of a gentleman whom he (Sir R. Peel) was proud to call his personal friend—and he did not believe that a man of higher integrity, or a purer sense of honour, existed than Mr. Bonham—although, he said, the hon. Gentleman had not found a seconder, yet, as he had succeeded in throwing his imputation, although he could not carry his motion, he felt it necessary to say a few words in vindication of the conduct of his friend. He was ashamed to trouble the House on this subject, for it would be observed that the hon. Gentleman had not acted from a sense of public virtue, or from a proper resentment of the interference of Mr. Bonham at elections — nor was the notice which he had given on the first day of the Session prompted by his desire to protect the purity of electoral privileges, for it was avowed by him to-night, that if Mr. Bonham had written him a letter of apology, the House would never have heard a word of this motion. He would give to the House Sir Gregory Lewin's account of the transaction. That gentleman stated that on the approach of the City of London election, it was, after some conversation, agreed between him and Mr. Divett, that they should pair together; and he (Sir G. Lewin), wrote to Mr. Bonham, who stated, in reply, that the pair was perfectly satisfactory—that subsequently, however, a communication to that effect being made to the central committee, an investigation was made by them, and Mr. Divett's name did not appear on the list of electors. That on this being made known to Mr. Divett he appeared annoyed, and set it down as a trick, declaring that his name was on the list, and that the result was that both gentlemen came to town and voted. Mr. Bonham never charged Mr. Divett with having preferred an unfounded claim to vote. He had merely transmitted the intelligence communicated to him by the central committee. The chairman of that committee was Mr. Russell Ellice, whose high character would be appreciated by every gentleman who was

acquainted with his name, and he had in his possession a letter written by that gentleman to Mr. Bonham. [Mr. *Divett* inquired what was the date of that letter?] It was after the hon. Gentleman's notice. The letter stated that a mistake had occurred with regard to Mr. Divett's name not being on the register—that no person could regret that mistake more than the writer, and that he believed it had arisen from the committee not knowing to what livery Mr. Divett belonged. Mr. Ellice added, that the only apology he could make to Mr. Divett and Sir G. Lewin was founded upon the extreme bustle and confusion which prevailed upon such occasions. Mr. Bonham, upon receiving this letter, wrote to Sir Gregory Lewin to express his regret for the mistake which had occurred. There was no imputation upon the hon. Member for Exeter, and the only complaint he had to make was, that Mr. Bonham had not made to him a formal apology; but Mr. Bonham had expressed his regret to Sir G. Lewin, taking it for granted, that that gentleman, as the intimate friend of the hon. Gentleman would communicate it to him. These were the facts of the case, and upon these facts the hon. Gentleman thought it consistent with his duty, making no communication to Mr. Bonham—on the first day of the Session to place a motion on the book, which must lead to the inference that Mr. Bonham had been guilty of some gross public misconduct which called for his dismissal, not one explanatory word having accompanied his notice. The whole grievance of the case was, that Mr. Bonham had not made an apology to the hon. Member. Notice was given of an Address to the Crown to dismiss a public officer, and there was nothing but this trumpery proceeding with which to follow it up. However, as the hon. Gentleman had not a seconder, he thought Mr. Bonham had a complete compensation, and that there was nothing either in the motion or the speech which would in the slightest degree disparage Mr. Bonham, either in his public or private capacity.

Mr. *Divett* said, what he complained of was, not the want of an apology, but that Mr. Bonham had left him in entire ignorance of the mistake that had occurred.

The *Attorney-General:* Sir, I have an apology and a statement to offer, which will not occupy the House a moment. It is true that I did (in substance) say to the hon. Gentleman, I thought it not decent to obtrude such a trifling affair on the House. I certainly did add, that I thought it would be much the same thing as if one should propose to move the hon. Gentleman's expulsion, in order merely to get an opportunity of making a speech. But I beg to apologise to the hon. Member for having mistaken (as it appears I have) the terms on which I was with him; for I certainly uttered those expressions in that tone of easy confidence and frank familiarity which the interchange of courtesies rather more than common had seemed to warrant, and which, as we all know, is far from unusual among Members of opposite politics. I intended no offence to the hon. Member. In perfect good humour I stated what appeared to me to be the character of the motion the hon. Member was about to make. I thought, that in doing so, I was performing the office of a friend. It appears to me, that the hon. Member is scarcely a fit judge of those matters which ought to be made subjects of debate in this House.

Mr. *Leader* having heard Mr. Bonham described as the dispenser of the secret service money of the Conservative Club, must be permitted to say, that he did not think Mr. Bonham was a man likely to do any thing repugnant to honour, or to take any step which any gentleman would hesitate to take in favour of his cause. He had known that gentleman for years, and he must give that testimony to his character; and he thought it rather too bad, that this gentleman should be exposed, on account of a mere mistake, to those surmises which must arise out of the notice of motion which was given by the hon. Member.

Mr. *Cochrane* must say with respect to Mr. Bonham going down to Bridport as was said to arrange those actions which had been brought against him (Mr. Cochrane), that the hon. Member was entirely incorrect. Mr. Bonham neither went down nor sent down to Bridport, and had nothing to do with the matter.

House adjourned at a few minutes before two o'clock.

HOUSE OF LORDS,

Friday, February 9, 1844.

Minutes.] Bills. *Public.*—1ª. Libel Law Amendment.
Reported.—Teachers of Schools (Ireland).
3ª. and passed:—Gaming Actions Discontinuance.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.] Lord *Brougham* said, an account had been laid on the Table of all Appeals and Cases before the Privy Council which have not yet been heard, and which were ready for hearing on or before the 1st day of February, 1844, which return, although of a negative character, was very satisfactory, being "*nil.*"

The *Lord Chancellor* took that opportunity of stating his opinion to be unchanged, that it was necessary to have a permanent head of this court.

Lord *Brougham* had no objection to such a plan, which he had himself proposed; the establishment of the Judicial Committee of the Privy Council had been unquestionably productive of great benefit; but he had formerly expressed his opinion, and that opinion he still retained, that it was susceptible of improvement, and, if supported, he would endeavour to remedy its imperfections. He had no objection whatever to bring in a bill for that purpose, embodying such alterations as seemed to him to be necessary, for experience had shown him that the existing law did not go far enough.

Lord *Campbell* was of opinion that the system, as it stood at present, worked extremely well. With his noble and learned Friend that system had originated, and the public were much indebted to him for what he had done. His noble and learned Friend might be said to be at the head of the Judicial Committee; but still, so excellent was its arrangement, that they contrived to get on very well in his absence, although they missed those witty remarks with which his noble and learned Friend enlivened every subject. His noble and learned Friend was pleased with the return "*nil,*" but how did it happen that such a return could be truly made? The reason was, because, while his noble and learned Friend was at his chateau in France, enjoying all the luxuries of the climate, the other members of the Committee were sitting day by day amid the fogs of Downing-street, busily employed in getting rid of the arrears. He was not favourable to the creation of any new judicial office. The Committee had been recently strengthened by the accession of the legal talents of Mr. Pemberton Leigh, the Chancellor of the Duchy of Cornwall, and he conceived they were perfectly capable of transacting all the necessary business.

Lord *Brougham* thought the objection premature, because his noble and learned Friend did not know his plan. It would be more effectual than his former bill. As his noble and learned Friend had alluded to him, he hoped he might reciprocate the compliment, which he did fully and sincerely, though he could not say, that his noble and learned Friend shed any liveliness on any matters before the Council, which he knew to be of such a nature as to be perfectly dry—they were so remarkably dry that he defied all the liveliness of all the Members to give them anything they had not in their own nature. He would state what he felt himself, that he had very great scruples of conscience and much delicacy in calling upon his noble and learned Friends, who had other duties to perform, to come and give their hours and labour in that Court, and to render perfectly gratuitous services to the public. It was a thing which he abhorred to find the discharge of judicial functions merely voluntary. They had now it was true, the accession of Mr. Pemberton Leigh. Nevertheless, though that gentleman was a very great and beneficial accession to the Judicial Committee, it must not be forgotten, that they had recently been deprived altogether of the services of the Common Law Judges who had sufficient business elsewhere, owing to the winter circuits, and the great increase of business *in banco*, consequent on the bill of his noble and learned Friend Lord Denman, and the new rules. He alluded to Mr. Justice Erskine, Mr. Baron Parke, and Mr. Bosanquet, who, however, was no longer a judge. The only two they could rely upon were Dr. Lushington and Mr. Pemberton Leigh. With respect, however, to Mr. Pemberton Leigh, the same objection existed that he had already stated. Here was a gentleman sitting week after week and assisting in the decision of most important causes, without either salary or pension. He thought that this ought not to be the case. It was a defect that could easily be rectified, and it was indifferent to him in what way it was done. Certainly, a remedy might be adopted, at a very moderate expense to the public and with a great diminution of labour to those who were now obliged to act. Such being his opinion, he should lay his plan before the House in the form of a bill, founded on the measure of 1834, for better regulating and expediting the busi-

ness before the Judicial Committee of the Privy Council, ancillary to proceedings in the House of Lords. He should submit it, in the first instance, to his noble and learned Friend on the Woolsack, to his noble and learned Friend near him, to Dr. Lushington, and to one or two other persons, in order to put it into the best shape before submitting it to their Lordships.

Law of Libel.] Lord *Campbell* laid on the Table a bill which was of considerable importance, but he would content himself on that occasion with very shortly explaining its objects and provisions, and humbly hoped this would enable their Lordships to come to a favourable conclusion with respect to its utility. The bill was to effect this: when a prosecution should take place by the Attorney-general, or on behalf of the Crown, for a libel, or for the use of seditious words, and the libel or words stated facts which might or might not be true, to allow the defendant to give in evidence the truth of the statements, on a notice being served on the prosecutor. Their Lordships would well recollect that the subject of the Law of Libel was brought before them last Session, so far as regarded libels on individuals, or private defamation; there was, however, a great difference between private wrongs and public libels, or the use of seditious words. It was thought more expedient to abstain last Session from touching public prosecutions, that they might not hazard the great good which they then had in contemplation. Their Lordships did agree to a bill, which had, in his opinion, greatly improved the law. Some of the provisions assented to by their Lordships had not met with the agreement of the other House of Parliament. He could not coincide in the view there taken; and though he did not now propose to make any alteration with regard to the provisions on which the two Houses differed, the time might come when they would agree that their Lordships had rightly determined. He thought that the time would come when, in a public place, a man could not be denounced as a liar, a scoundrel, and a coward, without having any remedy, civil or criminal, or that a female reputation could be tarnished by the most opprobrious appellations without any redress being afforded. At present he would be content to leave the law, under its present objections in that respect, as it stood. The present bill which he submitted to their Lordships was of the nature he had described, and related to what ought to be done when there was a prosecution for public libel, or for seditious words, when facts were stated which might or might not be true. As the law now stood, the truth of a libel could not be inquired into. Suppose that a libel asserted that the Government of the country had sent out troops on an expedition in an unseaworthy ship, whereby they were in great danger of going down. That might or might not be a libel, either true or false; but surely the guilt or innocence of the party accused might materially depend upon whether the statement made in the libel was true or false. There had been libels with respect to military flogging; it might be said, that great cruelty had been perpetrated by the sentence of courts-martial. The guilt or innocence of the party in this case must depend upon whether the statement was a pure fiction, or was founded in fact. Now, he proposed by this bill, that on notice being given, the defendant at the time of the trial should be permitted to give evidence of the facts which he asserted; and, of course, that evidence should also be allowed to be given on the part of the Crown, to show that his statement was false. It would then be for the jury, taking the whole matter into consideration, to return their verdict, and say whether the defendant was or was not guilty. He would not necessarily be acquitted, although it should turn out that what he had stated was true, nor would he necessarily be convicted although it should turn out that it was false. He might have fallen into an error without any malicious or seditious motives; still the jury should be informed whether he was actuated by a desire to confer a benefit on the country. In this case he did not propose to follow the plan which the Legislature had adopted with regard to indictments for a private libel, because there was to be a justification put upon the record, and an issue expressly raised upon the truth or falsehood of the statements; because, with regard to a public libel, it was impossible to take a distinct issue upon the truth or falsehood. They could not separate the facts from the comments, or from the opinions or exhortations. They must allow the whole of the circumstances of the case to be laid be-

fore the jury, who would say whether there was, on the part of the defendant, any bad intention or any tendency in the libel to produce public mischief. He had framed the bill with as much care as possible, with the assistance of his friend Mr. Starkie, but he would propose that the bill, after being read a second time, should be referred to a Select Committee; and that it should undergo the consideration of his noble and learned Friend on the Woolsack, the noble and learned Lord beside him (Lord Brougham), the Judges generally, and such Members of the House as it might be desirable to consult on the subject, when he hoped it would be presented in such a shape as to meet with general agreement.

Lord *Brougham* entirely approved of the course proposed to be taken by his noble and learned Friend. No doubt the Committee of last year would have taken this step also, but preferred completing one step at a time: they had, however, examined the evidence on this part as well as the others. He agreed that it was desirable to read this bill a second time, and then refer it to a Committee. Of course, he fully approved of it, for he had introduced a similar bill twice into the other House, and once into that.

The *Lord Chancellor* observed, that this matter was discussed in the Committee last year, and it would be better to refer this bill to the same Committee, who had considered this point much, though they had not made it a part of their Report. It must not be understood in what he had now stated, that he had expressed any opinion on this bill.

Bill read a first time.

House adjourned.

HOUSE OF COMMONS,

Saturday, February 10, 1844.

MINUTES.] BILLS. *Public.*—1°. Horse Racing Penalties Repeal; Poor-law Amendment; Offences at Sea. *Reported.*—Metropolis Improvements.

PETITIONS PRESENTED. By Lord Clive, from Llangynog, against Union of Sees of St. Asaph and Bangor.

COMMITTEE ON RAILWAYS.] Mr. *W. E. Gladstone* inquired of the hon. Gentleman opposite (Mr. Wallace) whether he intended to persevere with his motion with respect to not placing upon the Railway Committee, Directors of, and Shareholders in, Railways.

Mr. *Wallace* said, the course he intended to pursue was, to move an instruction to the Committee, which instruction he should put on the Notice Paper to-night, declaring the principle which in his judgment ought to guide the House in this matter.

Mr. *Gladstone*, under these circumstances, begged then to move the Committee be nominated.

Captain *Pechell* said, that he had received instructions from his constituents to oppose the appointment of Directors and Shareholders to serve on the Committee, for which he knew they had good reason.

Motion agreed to, and Committee appointed.

TRADE WITH CHINA.] Sir *G. Staunton* had intended to put a question as to the commercial relations of this country with China on Monday, but understanding that it would be equally convenient to the noble Lord the Secretary for the Colonies to answer it immediately, he would put it at once. He begged to inquire whether British subjects, acting in contravention of the spirit if not the letter of our recent commercial treaties with China, by endeavours to introduce into that country the prohibited article of Opium, are to be considered to forfeit, by such acts, the aid and protection of the British Crown; and if so, whether, in addition to such forfeiture of British aid and protection, they will be liable to specific pains and penalties under British laws, or to any direct interference and obstruction on the part of the British authorities in China? Also, whether the article of Opium will be allowed to be landed and warehoused at Hong Kong, for the purpose of re-exportation into China? He had been induced to put this question at the request of several merchants in the city connected with the China Trade. Much difficulty and misunderstanding would be prevented if it were in the power of Her Majesty's Government to state what course the British authorities in China were instructed to pursue with respect to the Opium Trade, and also the nature of their commercial regulations generally.

Lord *Stanley* said, the question put by the hon. Gentleman was one of great importance, and he should have no hesitation in giving him, if not the details of the instructions which had been given, at least the principle by which Her Majesty's

Government intended to be guided. The hon. Gentleman would agree with him that the suppression of the Opium Trade by forcible measures, considering the determination on the part of the people of China to consume that drug, and on the part of the principal officers of the Chinese government to connive at its introduction, was hopeless; and he thought the hon. Gentleman would agree with him also, that it was an object of considerable importance to induce the Chinese government, if possible, to consent to its introduction, and to legalise the trade, subject to such an amount of duty as they might feel inclined to propose. That was the object which Sir Henry Pottinger had been labouring to accomplish, but with what success he had not been able to ascertain. If it were impossible to prevent the smuggling of Opium into China, it would be inconvenient to allow its introduction into the island of Hong Kong. It was important to secure a legal trade in that island, and as the British Government were resolved to act with scrupulous good faith towards the Chinese government in all the commercial regulations which had been entered into, the most stringent instructions had been issued that no encouragement whatever, and such discouragement as they possibly could, should be given to any smuggling trade between the island of Hong Kong and the coast of China. Of course they could not interfere with the cargoes of British vessels, or act the part of Chinese police; but the merchants had been warned that if they chose to violate the laws of China, either by the introduction of prohibited goods into a legalised port, or the introduction of any goods whatever into ports not legalised, they must not expect the protection of the British Government; but must be exposed to the penalties inflicted by the laws of China. With regard to the introduction of Opium into Hong Kong, the Government had given discretionary powers, both to Sir Henry Pottinger, the late governor, and Mr. Davis, who was appointed to succeed him, than whom the Government could hardly have found a gentleman more competent for the situation, both by his intimate knowledge of the subject, and his acquaintance with the peculiarities of the Chinese character. The instructions sent out to the Governor of Hong Kong were in substance these. It was their desire that the island of Hong Kong should not be made a great nest of smugglers, for the purpose of carrying on an illicit traffic with the coast of China. It was their object that it should become the great mart for the commerce of all nations and for the extension of a legal commerce with China, and measures with regard to the introduction of Opium were to be such as were best calculated to effect that object, and to convince the Chinese authorities that we were in earnest in effecting it. They did not intend to prohibit the introduction of Opium into Hong Kong for the purpose of consumption. They were of opinion that the imposition of a moderate duty on importation, without a drawback on exportation, would have the effect of preventing its being imported for the purpose of being exported again. He understood that there was a difference of opinion amongst the Chinese authorities on this subject, as they thought that although a moderate duty might operate as a check, yet it would appear to give a kind of sanction to the trade. The Governor had power to act according to his discretion on this point, and might take such means, both for preventing smuggling and promoting the legalised trade, as would satisfy the Chinese government that this was their only object. They had given him great latitude. He thought it was probable that the governor would impose a moderate duty on Opium imported into Hong Kong, although the Government had left it to him to consider whether it would be better that the importation of that drug should be altogether prohibited from the island or not.

Sir *G. Staunton* said, that in much that fell from the noble Lord he concurred, and he was gratified to hear it. Nothing could be further from his intention than to express any opinion favourable to the legalisation of the Opium Trade. But he thought it no more than due to the noble Lord to express his gratification at the noble Lord's declaration,

"That the most stringent instructions had been given that no encouragement whatever, and such discouragement as they possibly could, should be given to any smuggling trade between the island of Hong Kong and the coast of China. That, the merchants had been warned that if they chose to violate the laws of China, either by the introduction of prohibited goods into a legalized port, or the introduction of any goods whatever into ports not legalized, they were not to expect the protection of the British Government, but must

be exposed to the penalties inflicted by the laws of China. That Hong Kong should not be made a great nest of smugglers, for the purpose of carrying on an illicit traffic with the coast of China, but become the great mart for the commerce of all nations, and for the extension of a legal commerce with China."

He thought that the appointment of Mr. Davis was one that did honour to her Majesty's Government; a more fit person for the office which he had undertaken could hardly be found.

Fisheries Convention.] Captain *Pechell* said, that seeing the right hon. the President of the Board of Trade in his place, he would take the opportunity of asking him a question relative to the Fishery Convention between this country and France. He was aware that by the Convention of 1839, certain rules were agreed upon which were to be submitted to the legislatures of the two countries. Considerable delay had taken place, owing to the demands of France, and the great concessions which had been made to her. The force of law had been given, during the last Session of Parliament, to these rules and regulations; and it was now necessary to inquire what had been done on the other side of the Channel, in order that our fishermen might know the nature of the laws and tribunals to which they were subjected. He wished to know, therefore, whether any intimation had been given to the Government of this country that the government of France had submitted to her Legislature those measures to which she was bound by the Treaty.

Mr. *Gladstone* said, that he had had no communication whatever, intimating to him any steps on the part of the French government, since the close of last Session, but he was not prepared to say, that no such steps had been taken.

Captain *Pechell* wished also to know whether the rules and regulations and bye-laws of the Committee of the Privy Council had been issued, and, if so, when they would be laid before Parliament?

Mr. *Gladstone* said, that certain directions had been given to the Commissioners of Customs to carry out the Convention, but it had not been thought necessary yet to issue any bye-laws, and it might not be deemed advisable to do so until they had received the report of the commissioner who had been appointed to make inquiry into the subject.

Poor-Law Amendment.] Sir *J. Graham:* As it seems to be the disposition of the House, that I should now proceed to bring forward the Poor-law Amendment Bill, and as I see the hon. Member for Finsbury, and the hon. and gallant Member for Brighton are both in their places, I will, before I state what are the provisions of the bill I am about to introduce, in the first instance, state certain provisions in a former bill which I do not intend to introduce in the present measure. The House will remember that the two hon. Members to whom I refer more particularly, object to the abolition of the Gilbert Unions, and they had stated, that the abolition without previous inquiry would be unjust. Now, I entertain a strong opinion, that it is for the public good, that the abolition of those Unions should be effected. Nevertheless as there is this difference of opinion concerning the propriety of abolishing them, I am perfectly prepared to go into an inquiry with respect to the operation of the Gilbert Unions in conjunction with the general law for the relief of the Poor throughout England and Wales, and inasmuch as those parties more immediately connected with the different unions court inquiry, I, on the part of the Government, am not disposed to refuse inquiry, and pending that inquiry it is not my intention to propose the abolition of the Gilbert Unions in the present bill. At some time before Easter, therefore, I shall be prepared on the part of the Government, to move for a Select Committee to inquire into the operation of the Gilbert Unions, regarding the result of that inquiry to be independent of the present measure. Having thus stated what the bill does not contain, which I hope is satisfactory to the two hon. Members, I will now state certain material alterations in the present measure as contra-distinguished from the former bill to which I referred. In the first place, I will refer to that portion of the existing Poor-law, which has long been the subject of much comment and of warm and excited feeling throughout England and Wales, I mean the operation of the bastardy clauses of the original Poor-law Amendment Act, as introduced in 1834. I am bound to state, that recent inquiry in Wales has proved to me that the dissatisfaction at the operation of the Poor-law in that district at least, and as I know also in many parts of the north

of England, is connected with the operation of the bastardy clauses as they now stand. The House will remember that in 1834, as the bill was originally passed, a much more extensive alteration was contemplated than was acceded to by the other House of Parliament or than was effected, when the bill passed into a law. The bill, as it passed the House of Commons, absolutely put an end to the power of making orders for relief in cases of bastardy upon the putative father. The principle, as enunciated in the report of the commissioners on which the bill was founded, proceeded on the assumption that throwing the whole burthen on the female would operate as a restraint on immorality, be conducive to chastity, and lead to a diminution of the number of illegitimate children. The bill, as sent from this House, gave effect to that principle, and it, therefore, conferred no power for making orders for maintenance on the putative fathers of bastards. Much discussion took place in the other House of Parliament, on the propriety of giving full effect to that principle, and the modification was there suggested, that no power should be given to the magistrates in special sessions to make orders as theretofore in cases of bastardy, but that this power should be reserved to the magistrates in Quarter Sessions, with some limitations as to evidence, and with still further limitations as to the effect of the order. Until 1834, the magistrates in Special Sessions, on the oath of the mother only, and without corroborative evidence, were able to make these orders. The bill, as it passed in 1834, gave the same power to the magistrates in Quarter Sessions, but imposed the necessity, before the order could be given, of having testimony corroborative of the oath of the mother. The effect of those orders, before 1834, was to give a remedy against the goods and the person of the putative father; but the Act of 1834, took away the remedy against the person, and gave it against the goods only, —so the law stood until the year 1839. I am bound to say, that from the first enforcement of that act, public opinion was divided as to the policy and fairness—not to say the humanity—of its provisions. It was said, that it was most unjust to impose the burthen on the weaker vessel, the female, when the father, who was better able to bear it, should practically be almost exempted from it, and I am bound to say, that I think public opinion never coincided in that provision of the Act. My noble Friend, the Member for Monmouthshire, felt this so strongly that in 1839, he proposed a measure which essentially modified the provisions of the Act of 1834. He restored to the magistrates in Special Sessions the power of making orders; and as the law now stands under the Act of my noble Friend, magistrates at Special as well as at Quarter Sessions have the power, subject to the provisions relative to corroborative evidence, of making orders for maintenance against the goods of the putative father, but neither at special nor Quarter Sessions, can orders be obtained affecting his person. Now, even this alteration in the law, large and important as it was, and approaching so nearly to the law as it stood before 1834, I am bound to say, does not satisfy public opinion, and there is still a very urgent cry that there is a necessity for some further alteration in the law of bastardy. From the accounts which have reached me of the causes of the disturbances in South Wales, I have undoubted information that the present state of the bastardy law is deeply felt in that district, and my opinion being called to this state of the law, it became necessary for me to decide what further alteration it would be expedient to propose. I do not think, after the consideration I have bestowed on this subject, that any change short of reverting to the law of bastardy as it stood previous to 1834, will satisfy public opinion, or conciliate public feeling. Now, to the state of the law as it then stood, I have an insuperable objection. I have, therefore, given the subject my best consideration, and by the Bill which I now ask to introduce I propose to make a great and material alteration. I propose to relieve the Poor-law entirely of the whole weight of its connection with bastardy. I propose that the mother of an illegitimate child shall be placed exactly in the same condition as a destitute widow, and that a parish officer, as such, shall have no interest or concern whatever in the question of an order of maintenance; but following the analogy of the law of Scotland, that as between the mother of a bastard child and the putative father, there shall be a summary process before two magistrates, I propose that the mother shall have power to make application to the magistrates within six months of the birth of the child, for some maintenance as against the father; —that the maximum sum to be granted shall be 4*s.* a week, and that the order shall be binding on the putative father until the

child attains the age of thirteen years. I select that age, because it is the age at which in the Factory Bill the line of demarcation is drawn between children and young persons, and is I think the period at which the child is first released from the emancipation of parental control. I propose also, that the order against the putative father shall be signed as before the Act of 1834, and that it shall be binding not only against the goods but against the person also. I think in the present state of the House when I am introducing the Bill almost without notice, it would not be wise to go into the policy of this change. It is a great change I admit, but on the whole I am prepared in argument to defend both the policy and humanity of the proposition. I rest much on the example of the law of Scotland on this subject, and I hope and believe the change will be satisfactory to the public feeling. I am quite sure it will relieve the Poor-law of an immense weight of odium, and on the whole be conducive to the welfare of the poorer classes. I therefore sincerely trust that it will become the law of the land. [Mr. *Hawes.*—Will you, before the order is made, require any corroborative evidence?]—I propose that the mother, in claiming a remedy, shall produce some corroborative evidence. I am much obliged to the hon. Gentleman for the inquiry, because I think that very important. I have now mentioned one important alteration, and will therefore proceed to state another. I am sorry to say that recent experience in this metropolis and in large cities has proved that the most cruel hardships are sometimes inflicted on the most destitute persons, while the question of settlement is pending. They are driven from one police office to another, from one workhouse to another; and frequently, even in the most inclement season, many persons are obliged to sleep under the arches of bridges or porticoes, or in the parks, and are thereby exposed to hardships and privations hardly consistent with the safety of life. I feel that for this state of things some legislative remedy is necessary. The House will perhaps remember that on a former occasion I proposed that children brought up in workhouses should have district schools established for them in the metropolis and in other large towns. I now propose to add to that portion of the Bill a provision for the establishment of district asylums by a combination of the Unions in the metropolis, and I mean, that these district asylums shall, under certain regulations, be opened for the reception of every destitute person, for one night, at least. I propose that destitute persons during sickness, shall be maintained there at the common cost of the district, and that every destitute person desirous of going to an asylum for one night's lodging and for food night and morning shall be at perfect liberty to do so, and at liberty to depart in the morning, subject only to some task or labour of four hours'. [Mr. *Hawes.*—That is the present law.] But the establishment of district asylums is a most important change, because at present they may be refused admission unless they can prove their settlement. I propose, however, that no question of that sort shall be a bar to their reception on the first night, and that a party returning for a second night shall also be admitted; but in case of a return beyond the second night, that then shall arise the question of settlement. I regret that, in consequence of not anticipating that I should be allowed to bring in the Bill to-day, I have no memoranda with me, or I would enter more fully into the details, and into the reasons which have induced me to propose this alteration of the law. Before concluding, I will state that I retain that portion of the former Bill, to which I think the hon. Member for Finsbury attaches so much importance—namely, an alteration in the scheme of parochial boards. I intend to retain the principle of plurality of voting, but I propose to alter the scale of proportion between those who are the proprietors and those who are the occupiers of premises. I also propose to abolish forced apprenticeship altogether. These are the greatest alterations I contemplate, in addition to the modifications in the Bill of the year before last. I am much obliged to the House for permission to introduce the Bill this evening, for I think the sooner it is known to the public the better, because public attention will be directed to it; and the effect of the discussion out of doors will enable us to mature its details with greater advantage. As no other point of importance occurs to me, I will now conclude by moving for leave to bring in a Bill to amend the Poor Law.

Captain *Pechell* observed, that in common with the rest of the House, he felt highly gratified by the statement which had just been made by the right hon. Baronet. He was rejoiced to find that a committee was to be appointed to inquire into the administration of the Poor Law

in the Gilbert Unions, and he supposed that the right hon. Baronet, in the same spirit of frankness and fairness which distinguished his speech, would be prepared to carry into full effect any recommendation to which the Committee might arrive on that subject. He trusted, also, that the right hon. Baronet did not mean to abolish the Gilbert Unions, if the Committee did not make a suggestion to that effect. He was very sorry that the right hon. Baronet had not agreed to appoint a Committee to inquire into the Gilbert Unions two Sessions ago, when he had made a motion to that effect. It would have removed many difficulties in which the management of the poor in those Unions had since been involved. He hoped that the right hon. Baronet, as he had determined not to interfere in his present Bill with the Gilbert Unions, would tell him whether he intended to interfere with the management of the poor in towns possessing local acts. With respect to the right hon. Baronet's clause regarding the plurality of voting, he must express his regret that the right hon. Baronet had not abolished the plurality of voting altogether. He hoped that they had now turned over a new leaf; and, as the right hon. Baronet had already announced many concessions to public feeling, he trusted, that when the right hon. Baronet had inquired into the manner in which relief had been administered to the poor in the Gilbert Unions, he would find that the different boards of guardians had done their duty, notwithstanding the great difficulties which they had had to encounter. Their uncertainty about their fate had prevented many boards from making great improvements, which they would have otherwise commenced and carried through; and no wonder, when they were threatened every year with being annihilated. He hoped that no difference of opinion would arise between himself and the right hon. Baronet during the discussion in Committee upon these unions. And he should heartily concur in every attempt to make the Bill as perfect as possible.

Mr. *T. Duncombe* felt satisfied that a great part of the country, and all those guardians who were rational and reasonable men, would concur in the propriety of the course which the right hon. Baronet was now prepared to adopt with respect to the Gilbert Unions. As he had himself twice moved for an inquiry into the system adopted in the Gilbert Unions as a preliminary step to making any amendments on the New Poor Law, he could have no hesitation in expressing his satisfaction that such an inquiry was at length to be instituted. All that the guardians of those Unions required was to prove before the House what the nature of their system was. They thought that their system was more satisfactory to the ratepayers, and more humane to the poor, than the system pursued under the New Poor Law. If upon inquiry the right hon. Baronet could prove that his system was superior to theirs, they were ready, as they had formerly stated, to abandon their own system and adopt the other; but if, on the other hand, they should prove that their system was more satisfactory to the ratepayers, and more humane to the poor, he hoped that the House would not then for an instant think of interfering with their present state, or with the present law. He was quite certain that nothing would satisfy the feelings of the country more than the sort of alteration and relaxation which the right hon. Baronet was now at length about to make in the principle of the New Poor Law. Make that law accord with public feeling, and you will have no difficulty in conciliating to it the support of the country. He thought that the proposed alterations in the bastardy clauses were very valuable improvements of the law. Public feeling had long demanded that those clauses should be altered and amended; and he had only been sorry to hear that it was the turbulent and tumultuary, and he might almost say insurrectionary, proceedings which had occurred in some districts of Wales that had induced the right hon. Baronet to turn his consideration to that subject. [Sir *J. Graham* had said no such thing.]—No such thing! Why, he had understood the right hon. Baronet to say, that it was the information which he had received from Wales that induced him to make this alteration. With respect to the other alterations which the right hon. Baronet proposed to make in the law, and especially with respect to his plan for providing district asylums for the destitute poor, he would only say that he considered them of great value, and likely to be well received by the public. As, however, there would be many aged, infirm, sick, and decrepid persons among those who applied for shelter in these

asylums, he trusted that the four hours' labour would not be exacted too rigidly from them. He would not, however, discuss that question now. He considered that the present Bill was a great relaxation of the old law. He thought, however, that an end should be put to the plurality-system of voting, and also to that of voting by proxy. The present was not the time for entering fully into the subject; but he must say, from what had been stated by the right hon. Baronet, that he thought his measure would prove extremely satisfactory to the public.

Mr. *E. B. Denison* was prompted to offer his best thanks to the right hon. Baronet for the proposition which he had just submitted to the House; for he was quite certain when that measure should be fairly and fully understood by the public, that it could not fail to be received with the strongest marks of approbation. He could at any rate speak for the West Riding of Yorkshire, and he could assure the right hon. Baronet that the proposed alteration would render the operations and effects of the New Poor Law much more salutary than they were under the existing law. He did not exactly catch what the right hon. Baronet had said with reference to district schools for pauper children. Perhaps the right hon. Baronet would inform the House more distinctly upon that part of the subject. He would assure the right hon. Baronet that no communication which Her Majesty's Ministers had made since they had been in office would be received by the country with half so much satisfaction as would mark the passing of this Bill.

Sir *W. James* said, whilst many hon. Gentlemen objected to this measure in its details and in its administration, he had all along objected rather to the principles of the Poor-law than to its details; and he was bound to say, that he still adhered to those grounds of objection which he had previously entertained. He thought the principles of the Poor-law were not sound, and that they went to attack and to undermine the very foundations of society. He felt, however, that the alteration now proposed by the right hon. Baronet would introduce a great amelioration into the bill. He wished, like the hon. and gallant Member for Brighton (Captain Pechell), to learn whether it were intended to interfere with existing local acts.

Mr. *B. Ferrand* regretted that he was absent during the statement of the right hon. the Secretary for the Home Department, but he rejoiced to hear his hon. Friend the Member for the West Riding of Yorkshire (Mr. E. B. Denison) say that the people of the West Riding would be perfectly satisfied with the recommendations contained in the new law. [Mr. *E. B. Denison:* Satisfied as far as they go.] Yes, as far as they went. If they met with the approbation of the people of the West Riding, they would meet with his approbation also; but he was afraid they did not go far enough.

Mr. *S. Davies* concurred in the favourable opinion which had been generally expressed with regard to the new bill, and was understood to state that the existing law had been very instrumental in causing the disturbances in South Wales. He wished to know what the bill proposed with regard to the law of settlement.

Mr. *C. Berkeley* wished to ask whether, if the mother refused to affiliate a child, the parish were to have no authority to compel the affiliation?

Mr. *S. Crawford* wished to know whether means had been provided to relieve the Irish poor, reduced to destitution in this country, from the dreadful oppression which they sometimes suffered upon being suddenly passed to their own country, where they had no settlement, after a residence of several years in England. Did the right hon. Baronet intend to introduce into this bill a clause which would remedy such grievances in future?

Mr. *Henley* wished to know whether any, and what, provisions had been made for illegitimate children, and the mothers of illegitimate children.

Sir *J. Graham* would endeavour to answer *seriatim*, and as succinctly as he could, the questions which had been put to him. First, with regard to the hon. and gallant Member for Brighton, he could assure the hon. Member, that he most sincerely rejoiced in the prospect of having the support of the hon. and gallant Member, throughout any discussion which might ensue upon this measure. With regard to the local acts, he did not propose any alteration in the existing law, as far as they were concerned; and for the best of all reasons, viz., because by the judgment of courts of competent jurisdiction, all power which it was right they should have, was vested in the commissioners under these local acts. For that reason—he did not

seek to dissemble it—in the present bill it was not sought to interfere with those acts. The hon. and gallant Officer seemed to think, whatever the report of the Committee might be, that the Government would be precluded from proposing any measure which it did not recommend. To prevent misunderstanding, he might state, that it was his desire to have the Committee fairly constituted, and the inquiry fully entered into. He had certainly formed an anticipation of what would be the result of their investigations; but he was not prepared to say, that the Government might not think it necessary to adopt measures in distinct opposition to what the Committee might recommend. He was glad at all times, to receive the support of the hon. Member for Finsbury (Mr. T. Duncombe); but he was sorry, that the hon. Member should have misrepresented — of course unintentionally — what he had said with reference to the bastardy clauses. The hon. Gentleman imputed to him, that he had admitted, that it was necessary for the people of this country by the violation of the law, or by turbulent conduct such as had characterized their proceedings in South Wales, to mark their sense of the law, before the attention of the Government would be attracted to their feelings on the subject. He begged to say, that until the riots in South Wales had been entirely subdued, and the majesty of the law completely vindicated by the trial by jury, Her Majesty's Government had not thought of directing their attention to the subject. What he did state, was, not only, that there was well-founded cause of complaint in South Wales, but that warm feelings also had been excited in the north of England, and throughout the country generally; the consequences of which were, numerous representations to the Government, which, he confessed, had had considerable effect upon his mind. He had felt, that public opinion was very strong upon the subject of the bastardy clauses, and he had, therefore, in deference to that opinion, deemed it necessary to introduce all the modifications of which the subject, he believed, was capable. Without reference either to South Wales or to the north of England, he was conscious that throughout the House, and also throughout the country, there was a feeling, that there was a hardship in the principle of the law; he meant to say, that it was felt to be unjust to throw upon the female the whole burthen of providing for the child; it was also felt, that such an enactment was in open violation of all manly feeling. These were the grounds upon which he had thought it expedient to reconsider that subject; but in doing so, he wished it to be understood, that he was not prepared to return to the ancient law with all its imperfections, his desire being rather to separate the subject of bastardy altogether from the subject of the Poor-law—a desire in which he thought the House would acquiesce. Several questions yet remained for him to answer—one from the hon. Member for Cheltenham (Mr. C. Berkeley), whether the parish would have power to compel the affiliation of a child when the mother refused to affiliate it? Decidedly not. The question of the destitution of the mother was to be viewed without reference to the parentage of the child, or under what circumstances the child was born. Her claims for relief in such a case would be decided in precisely the same manner as the claims of a widow with a child born in wedlock. In answer to the question of the hon. Member for Oxford (Mr. Henley), as to what provision was to be made for illegitimate children and the parents of illegitimate children, he had to remark, that their case would not be distinct from the general operations of the law with respect to destitute females and children for whom their parents or friends were unable to provide. In answer to his hon. Friend the Member for the West Riding of Yorkshire (Mr. E. B. Denison), he had only to say, that district schools and district asylums would be placed upon the same footing as had been proposed by the bill of 1842—that was to say, they would be established in the metropolis and in large cities; and in the country the diameter of the district which they included was not to exceed 15 miles. In answer to his hon. Friend the Member for Carmarthenshire (Mr. S. Davies), and in answer also to the hon. Member for Rochdale (Mr. S. Crawford), he would state, that he intended shortly to introduce a bill, of which he had already given notice, which would materially alter the law of settlement. That bill would include the whole subject of the removal of Scotch and Irish paupers, which would fall naturally within its provisions. He was sure the House would agree with him, that it was much better not to complicate those questions with each other by interlacing them to-

gether, when each question of itself was already complicated enough.

Mr. *James S. Wortley* having once represented the borough of Halifax could entirely confirm what had been said by his hon. Friend near him, that the people of the West Riding of Yorkshire would be much pleased with the alterations in the Poor-law: and, in common with his hon, Friend, he begged to express his best thanks to the right hon. Baronet for this bill. With regard to what had fallen from the hon. Member for Finsbury (Mr. Duncombe), he must say, that he distinctly heard the right hon. Baronet mention the North of England as well as Wales, when referring to the representations which had been made to the Government with regard to the oppressive nature of certain clauses of the Poor-law Act. He rejoiced that these representations had produced their effect. Not altogether uniting himself with the hon. Member for Knaresborough (Mr. Ferrand), and those who went equally far, he was quite certain that the bill now proposed by Her Majesty's Government would be hailed with the greatest satisfaction by the country at large. There was one other subject upon which he (Mr. Wortley) had a strong feeling—he meant the separation of aged couples in the Unions. Might there not be some relaxation of that—the severest provision of the law—the separation of aged men and their wives? He was aware of the difficulty that might present itself with regard to the possibility of relaxing the law in the case of younger persons; but he did think that some means might be devised to relax the stringent provisions relating to aged couples, who were often so great a comfort to each other in the hour of sickness and affliction.

Leave given. Bill brought in and read a first time.

Offences on the High Seas Bill.] Sir *J. Graham* would, with the permission of the House, trespass still further upon their indulgence, and ask leave to introduce the bill which stood next in order upon the Votes, for the more speedy trial of offences committed upon the High Seas, as it was one of very pressing necessity. It was a bill for securing the more speedy trial of criminals charged with offences on the High Seas. All these offences were now tried at the Central Criminal Court; the consequence of this was, that on the arrival of vessels at the outports, the depositions were taken there, and then sent up to London; witnesses were also obliged to be brought up to the Central Court at a great expense and inconvenience. By this bill he proposed, in the commissions of Oyer and Terminer, to give to Her Majesty's Judges of Assize the power of trying these offences, and that magistrates should have the power of committing to the gaol of the county in which such out-port might be situate, any person brought in there charged with offences on the High Seas, instead of its being necessary that the warrant for committal should be issued within the jurisdiction of the Central Criminal Court. This would not only be a great convenience, but also a great saving of public expense.

Captain *Pechell* thought, the only objection to the bill was likely to be made by the country gentlemen, on the ground of expense.

Sir *J. Graham* said, he intended that the prosecutions should be conducted as heretofore, at the public expense.

Leave given, bill brought in and read a first time.

Prison Discipline.] Mr. *T. Duncombe* wished to inquire of the right hon. Baronet the Secretary for the Home Department whether it was the intention of the Government in the course of the present Session, to introduce any measure having for its object an improvement in the discipline of Prisons?

Sir *J. Graham* said, that the Government had not determined upon introducing such a measure, yet he should be sorry to say that the Government would not do so in the course of the present Session.

Ecclesiastical Courts—Tithes.] Captain *Pechell* was very anxious to prevent suits of Tithes being carried into the Ecclesiastical Courts, and had patiently waited for legislation upon the subject, having been told every Session that the Ecclesiastical Courts Bill would be brought in if he would only exercise a little patience. He wished to ask the right hon. Baronet whether it were intended to introduce that bill in the present Session; and if so, he hoped provision would be made for preventing suits of Tithes being carried to the Ecclesiastical Courts.

Sir *J. Graham* said, that it was the intention of a noble Lord to introduce the Ecclesiastical Courts Bill into the Upper House.

State of Ireland.] Mr. *Escott* was desirous to ascertain from the noble Lord opposite (Lord J. Russell), whether it were his intention upon Tuesday to proceed with the motion of which he had given notice relative to the state of Ireland, if the trials should not happen to be concluded by that time.

Lord *John Russell* was certainly very anxious to bring on his motion upon Tuesday. After the question which the hon. Member had put to him, he should perhaps explain that he quite concurred in the propriety of having no discussion in that House, which might influence the decision of the jury, but he did not think it was at all necessary that they should be acquainted with the decision of the jury previous to entering upon his motion. He should, therefore, propose, to bring it forward upon Tuesday.

Sir *James Graham* thought it right to state to the noble Lord, who, he was sure, was desirous that the matter should be fully and fairly discussed, that he believed it would be impossible for the learned Attorney-general for Ireland to be in his place in Parliament upon Tuesday next. It was important in his (Sir James Graham's) opinion that the hon. and learned Gentleman should be present, but he feared that it was not at all likely that he could be. He deemed it right to state this circumstance to the noble Lord, but he did not wish in the slightest degree to sway the noble Lord's determination, or to induce him to delay his motion for a single hour, if the noble Lord thought that would not be consistent with his public duty. If the noble Lord adhered to his determination of bringing on his motion upon Tuesday, he hoped the noble Lord would not think it unreasonable if he asked the noble Lord to state the precise form of motion which he then proposed to introduce.

Lord *John Russell* would candidly confess to the House, with respect to the first suggestion of the right hon. Baronet, that though he should very much lament the absence of the Attorney-general for Ireland when he brought on his motion, yet he did not think that the absence of the hon. and learned Gentleman should induce him (Lord J. Russell) to delay his motion. With regard to the motion itself which he intended to make, the actual form of it would be nothing more than he had already given notice of, viz., that the House should resolve itself into a Committee of the whole House, to inquire into the state of Ireland. He should, perhaps, in candour add, that if the House or the Government should think proper to agree to that motion, he should then consider it his duty to propose certain resolutions to the House, some of which would inculpate very strongly the conduct of the Government. He thought it only fair to state thus much, but the form of the motion itself conveyed no such intention.

Sir *James Graham* would exercise the same candour towards the House as had characterised the remarks of the noble Lord. He could only say, that if the House determined to go into Committee upon the state of Ireland, it would not then be his duty, as a Minister of the Crown, to resist the Resolutions of the noble Lord.

House adjourned at half past five.

HOUSE OF LORDS,

Monday, February 12, 1844.

Minutes.] *Sat first.*—Lord Oriel.

Bills. *Public.*—1ª. Administration of Justice; Ecclesiastical Courts.

3ª. and passed:—Teachers of Schools.

Private.—2ª. Sang's Naturalization.

Scinde — Vote of Thanks to the Army.] The Earl of *Ripon* said: In rising to move the Thanks of the House to Major-general Sir Charles Napier, and the Officers and Men under his command employed in the operations in Scinde, I will take especial care to abstain from saying anything which may lead to any difference of opinion. It is your Lordships' practice on occasions of this kind to pursue that course, and it seems to me to be recommended by prudence and justice. I may, however, be permitted, before I make the motion, to state to your Lordships, as briefly as I can, and in a general way, the grounds upon which I think the conduct of that gallant officer, and the army under his command, are most deserving of your Lordships' gratitude; and I would take the liberty very shortly of detailing to your Lordships the course of those operations which have shed so much lustre on the character of that distinguished man. It appears that in the early part of last year,

Major-general Sir C. Napier, who was in command of Her Majesty's forces in Scinde, was called upon by the Governor-general to engage in certain negotiations with the Ameers of Scinde, and in the course of those proceedings he received information upon which he thought he was justified in relying (I pass no opinion whatever upon that), but he received information which led him to believe that those princes with whom he was negotiating, were not acting in good faith, but were collecting troops and resorting to means of resistance, from which he inferred that it might become impossible to bring those negotiations to a satisfactory issue without at least having at hand a military force to support his proceedings. Accordingly he felt it to be his duty, under the circumstances I have stated, to move from the immediate position he had taken up on the Indus, at Sukkur, and to march to the town of Khyrpore, in order to cause the dispersion of those forces which the representations on his part to the Ameers had failed in producing. When he arrived there the Ameers and their forces had retired from the town; but he was led to believe, from the information which reached him, that the dispersion of their forces had not taken place, and he therefore felt that a necessity might arise for some further demonstration of force. The Ameers who had retired from Khyrpore appeared to have taken the direction of the Desert, and Sir Charles Napier, feeling the necessity of securing his line of operations, whether he should have to advance towards Hyderabad, or to retire upon Sukkur, if that should be the step to which he should be obliged to have recourse, felt it indispensable to show to the Ameers that in the Desert they were not secure from his operations, and that they could not from thence embarrass his future movements. He accordingly determined to move on to the fort of Emaum Ghur. The probability of a want of supplies in this retreat through the Desert was obvious, and there was great reason to apprehend that there might also be a deficiency of water. Nevertheless, being of a spirit not to be daunted by difficulties, determined to effect that march; but being at the same time a man of great sagacity, prudence, and foresight in his profession, and seeing something mysterious in the proceedings of the Ameers with respect to their forces, and feeling that it was necessary to guard against any consequences that might follow, he placed the main portion of the force under his command in an advanced position on the road towards Hyderabad, the capital of Scinde, from whence he might advance in that direction or retire upon Sukkur, or support his detached operation upon Emaum Ghur. These measures he undertook with all that spirit and energy that seemed characteristic of his family. He succeeded in capturing the fort of Emaum Ghur, and effected every object that he had in view by this decisive movement; thus proving to the Ameers that the Desert might be traversed by our troops; whilst at the same time he secured by his movement his left flank, and gave protection to his front and rear; and I believe I am not saying too much when I state that that operation was one of the most brilliant of the kind ever performed. He felt, however, that the state of things rendered it imperative on him to advance still further towards the capital, Hyderabad, which was a difficult operation, and not easy to be effected by the small force under his command, particularly as he had information which satisfied him that the Ameers had collected in considerable force, which might possibly place his advance in some jeopardy. However, he advanced to a place called Sukhurunda, at some distance from Hyderabad, where he halted a few days, and in the meantime learnt at length, after the negotiations had been conducted to a point which gave reason to hope for an amicable termination, that on the 15th of February an attack had been made by a large body of Beloochees upon the residence of Major Outram, which was within a short distance of Hyderabad, between that city and the left bank of the Indus. I cannot proceed to enter upon that without calling your Lordships' attention to the circumstances of that attack—not the circumstances that produced it—that is quite another question—but as to the conduct of Major Outram, and those gallant men who were posted within that residence, and had to defend it against a most vigorous well-conducted attack by a large body of troops. The force under Major Outram consisted of a single company. The residence was a building surrounded by a wall, but accessible on all sides. The attack was made by 8,000 Beloochees, who were deficient certainly in discipline and military tactics, but not in spirit or courage, and they made a most vigorous attack, supported by cannon. Major Outram had a very small force with which to resist that attack, and unfortunately it happened that he had not

received a supply of ammunition which he expected; nevertheless, he was not a man to yield; he was well known as a bold and resolute soldier, and Sir C. Napier speaks of his conduct in defence of that position in terms of well merited eulogy, which justly applied not only to him, but to all those who served under him in resisting that attack. Notwithstanding the difficulty under which Major Outram and his little garrison laboured from the want of ammunition, nothing could exceed the cool courage with which they managed the little that was at their disposal; the consequence of which was, that their loss was comparatively trifling, although the enemy came close to them under cover of houses, gardens, and plantations, so as to be able to make an attack on three sides of the building; but they defended it successfully till their ammunition was exhausted, and although they were compelled to abandon the building from their incapacity of maintaining it, they succeeded in effecting their retreat to the river, and their loss was not above ten or a dozen men. The defence of that building was a remarkable proof of what skill and resolution can do in defending a post against very superior numbers, and I believe that history nowhere shows a more remarkable instance of how that work may effectually be done. When Sir C. Napier heard what had taken place, and that Major Outram had been compelled to retire from the residency, he felt a necessity imposed upon him of taking further military steps—he felt that it was incumbent upon him to move forward and attack the enemy in the position which they had occupied. He accordingly advanced with his comparatively trifling force of 2,800 men, but whose discipline and courage he well knew and understood, and knew and understood also how much he could rely upon it. He moved forward to attack them. He found them in a position of great strength, evidently showing that they knew very well how to use the means of defence at their disposal, and that they were not ignorant of the first principles of military strategy and skill in the position they took up, for it was defended in front by a deep ditch or water course, and both flanks were protected by jungle, and on their right flank they had the additional protection given by a village. This most formidable position was defended by twenty-two or twenty-three thousand men, and a force of not less than 10,000 men was collecting in his rear. Sir C. Napier had to attack it in front; he could not commence the attack in any other way; the jungle rendered that mode of attack necessary. The moment he saw their position, he also saw, with that acuteness of military eye-sight — if I may use the expression—which was characteristic of him, how the attack was to be conducted. He placed his troops *en echellon*, and advanced from his right to storm the ditch and breast-works. The enemy received him with stout resistance; they evidently knew how to use the arms they had; but he tells you that their very resistance proved the inferiority of the sword and shield and matchlock to the musket and bayonet; and, after a severe struggle, the enemy was completely routed with considerable loss, and their ammunition, guns, and baggage of every description fell into the conqueror's hands. I will not trouble your Lordships by going any further into the details of this battle, but it was distinguished, on the part of all who were engaged in it, by that coolness, discipline, courage, and energy which have been so frequently displayed, not only by Her Majesty's European troops, but by the native troops of the East India Company, on the well-fought fields of Asia; the success of that glorious action proved what unbounded confidence might be placed in every emergency, on the boldness and devoted valour of those troops. This battle, decisive as it was in its immediate effect, was, however, not so decisive as to cause the dispersion of the whole of the enemy's forces; and that is rather a remarkable circumstance, for it rarely happens in Indian warfare that an army once defeated is able again to bring itself together—a native army I mean, not the native troops in our service; but, generally speaking, a native army, if once defeated, is seldom able to bring itself together to fight a second battle. But in this instance, it happened that one of the Ameers had a body of troops untouched under his command, and he was joined by a number of fugitives who had escaped from the battle of Meeanee; and the Ameer showed by his movements a determination to continue hostilities. Sir Charles Napier, therefore, found it necessary to proceed to the attack of the Ameer of Meerpore; and for that purpose he advanced, two or three weeks after the battle of Meeanee, towards the Ameer's position, near Hyderabad. The Ameer had under his command 20,000 men; the force of Sir C. Napier had been

increased to 5,000. Had the Ameer's force joined the army that assembled at Meeanee, Sir C. Napier would have had a force of between 40,000 and 50,000 men opposed to him; but this junction he prevented by the promptitude and decision of his movements. The Ameer's troops were admirably placed. In front there were two nullahs, or wide ditches; of which the rear was defended by ramparts or breastworks. Sir C. Napier, in his despatches, stated that he found it difficult to arrange his plan of attack on this position, because the left flank was not accurately defined. He therefore determined to make his attack on their right, and to make it in the first instance by a portion of his cavalry and artillery, supported by Her Majesty's 22nd Infantry, and coming up in the face of their position, the left of his line appears to have outflanked the right of the Ameer's army; finding which, they proceeded to draw troops from their left, in order to meet the attack which had turned their right. Sir Charles therefore concluded, with his usual acuteness, that their right flank was their weakest point, and that they were defended more thoroughly by artificial means on their left than on their right; and, consequently, he determined to make his great attack on their right flank. He advanced with most perfect order, the troops behaving with the greatest steadiness, not returning the fire till they came within a distance when it was likely to tell most effectually on the enemy. He ordered his cavalry to get round the right flank, which they did by a brilliant and successful manœuvre; and then the enemy being thrown into confusion, he pushed his right flank forward and forced the nullah, and the consequence was the defeat of the enemy with great loss. That is a summary, I fear very imperfectly given—and as I cannot pretend to any knowledge on such subjects, I hope I shall be excused if it is so—of the two actions in which Sir Charles Napier gave such decisive proofs of his bravery and skill. It cannot be said, however, that they were not attended with considerable loss; for although there were but 2,800 of our troops engaged in one, and about 5,000 in another, our total loss was not less than 500 killed and wounded, which shows the desperate resistance of the enemy; and many of those who fell were officers of the greatest distinction, whose loss every one must lament, though they would be ready, if living, to render to them the meed of approbation which we shall, I trust, readily give to those who survive them. It is not necessary for me to trouble your Lordships with details of the individual gallantry of the officers. Their services are inscribed by Sir C. Napier in his despatches, and his notice of their services is worth all the eloquence, if I had any, that it would be possible for me to bestow upon them. They require not the fugitive words of praise that could fall from me, for their merits are best set forth in the despatches of Major-general Sir C. Napier, which will form part of the military history of this country. I may, however, say a word or two with respect to the other portions of the army, which will be last mentioned in the vote I am about to propose, and that is the non-commissioned officers and privates. It is needless for me indeed to say anything with reference to that portion of the army which is composed of Her Majesty's European troops. There are some of your Lordships, perhaps, present, who know what they are as soldiers, and can readily believe and understand the spirit with which they fight, and the discipline which they maintain in action. But other portions, namely the native troops belonging to the East India Company, must, I think, upon occasions of this kind, be looked upon in a peculiar light. They are not mercenaries, but voluntary soldiers; they are not Englishmen, though they are British subjects, but they have, in many respects, the hearts of Englishmen. They are as brave as any troops in the world, and are capable of admirable discipline; they are patient of fatigue, they are willing to sacrifice, and do sacrifice, over and over again, their natural habits and their prejudices, to move from their own country to places of which they know nothing, beyond the seas; and show as much courage and spirit, and discipline, when fighting in another climate, as if they were fighting in their own homes, on the continent of India. I say, they have the same qualities that constitute a great army in any part of the world; and they have manifested upon occasions without number, that which is one of the finest qualifications which can distinguish a soldier—namely, unvaried fidelity. But for the fidelity of that noble army we might not unfrequently have been placed in difficulties from which the exertions of our own troops would hardly have relieved us; and your Lordships, if you agree with me, as I am sure you will, in tendering the Thanks of this House to that body of

men, will be doing but justice to those who have a claim on your gratitude. These men may not know accurately what passes in Europe—they may not accurately know what position your Lordships occupy in the eyes of Europe and the world, or what your functions are in the Government of England; still they will respect and appreciate your thanks; and you may depend upon it when they look at their standards, on which may be inscribed the names of the victories they have achieved, and when they feel on their breasts the medals which Her Majesty and the East India Company have bestowed, they will appreciate with equal gratitude and thanks the honour which your Lordships will confer on them by agreeing to the motion which I am about to propose to your Lordships—

"That the Thanks of this House be given to Major-general Sir Charles Napier, G.C.B., for the remarkable skill, energy, and gallantry displayed by him in the recent military operations in Scinde, particularly in the two decisive battles of Meanee and Hyderabad."

My next Resolution is—

"That the Thanks of this House be given to the several Officers of the Army, both European and Native, serving under Major-general Sir Charles Napier, for their unwearied zeal and conspicuous gallantry."

The next Resolution is—

"That this House doth highly approve and acknowledge the brave and meritorious conduct displayed by the Non-commissioned Officers and Private soldiers, both European and Native, engaged in the operations in Scinde; and that this Resolution be signified to them by the commanders of the several corps."

And lastly—

"That the said Resolutions be transmitted by the Lord Chancellor to the Governor-general of India; and that his Lordship be requested to communicate the same to the several Officers referred to therein."

Lord *Auckland* said: He trusted he should stand excused before their Lordships if he rose for the purpose of seconding the Resolutions of his noble Friend. He could add but little to what had fallen from him, but it would be a gratification to him to be allowed to say that he cordially, and without qualification, concurred in the Vote of Thanks which he had proposed. No man could be more alive than he was to the excellence of which our Indian army under the direction of its British officers had attained. Thus organised, there was no army that possessed more of the best qualities of soldiers than that army. He would not dilate upon the encomiums which his noble Friend had passed on the British soldiers and the native troops. He should but idly detain their Lordships if he were to follow his noble Friend in the details which he had given. He would but say, that manifold as had been the instances in the history of India, in which by discipline, and under good direction, a small British force had vanquished numbers infinitely greater than itself, he firmly believed that, not even excepting the battles of Plassy or Assaye, or any of the great contests of India, had the difficulties been greater, nor had they been met, in any one instance, by more conspicuous decision and judgment and energy than by Sir Charles Napier and the troops under his command. [*Cheers.*] He felt that the gratitude of his country was due to that distinguished officer. He felt that England might well be proud of possessing such an officer. [The Duke of *Wellington*: "Hear, hear!"] He thought India might well be proud of having brought forward in the service of the country (in succession to many others first distinguished in Indian warfare) such a general. He would not further detain their Lordships. He could only say he entirely concurred with his noble Friend in the view he had taken of this question, and he was glad he had confined his motion entirely to the military part of these operations, and that in a vote which it was most desirable should be unanimous in grace and gratitude, nothing should arise to give cause to any difference of opinion.

The Duke of *Wellington:* I can assure your Lordships, that it is not my intention, in addressing your Lordships for a few moments, to say anything which may occasion any difference of opinion. And I hope I may congratulate my noble Friend upon having proposed a motion to your Lordships which will be unanimously agreed to. But, my Lords, I cannot listen to such a motion as this, impressed as I am with a strong sense of the importance and the merits of the services which have been brought under your Lordships' attention, without expressing my cordial assent in the expressions of approbation stated by my noble Friends, and in the motion submitted by the noble Earl to your Lordships. My Lords, I must say, that after giving the fullest consideration to these operations, I have never known any instance of an officer who has shown in a higher degree, that he

possessess all the qualities and qualifications to enable him to conduct great operations. He has maintained the utmost discretion and prudence in the formation of his plans, the utmost activity in all the preparations to ensure his success, and finally the utmost zeal and gallantry and science in carrying them into execution. My Lords, my noble Friend has alluded to Emaun Ghur, which was one of the most glorious feats of which I have ever perused the despatches, and it was completely successful. The march was commenced at the very beginning of the hot season, through the desert, with heavy guns—with heavy artillery, which were transported in a most extraordinary manner, and which enabled him to take possession of the place, and deprive his enemy of that retreat, in case they should ever again attempt to get possession of it. After his return from the operations which he had effected, he collected all the troops which he had immediately at his command, and made all the preparations which he could make for the future events which might occur which might render it necessary for him to engage his enemy. My Lords, it proved that he had collected but few troops; but, however, he had confidence in them and in himself, and they felt confidence in him, and he made a most extraordinary attack, which completely succeeded, and gained a complete victory, having obtained possession of all the enemy's guns, their ammunition, and their baggage. Having gained one victory, he again found himself in a position likely to be attacked by a greatly superior force. He secured for himself not only the fortress of Hyderabad, but also a fortress on the Indus behind him. He then brought up the reinforcements from Sukkur, and he had a stronger army than that with which he fought and won the battle of Meeanee. My Lords, I must do him the justice to say, that the movements to effect a junction with his reinforcements manifested all the discretion and all the abilities of an officer to be entrusted with the highest description of operations. When he was joined by his reinforcements, he immediately advanced on the enemy, and, as had been stated by his noble Friend, he attacked them, and the result was another most brilliant victory. After an action in which he displayed all the qualities of an excellent general officer, and showed to the troops under his command all the qualities of the bravest soldier—my Lords, after this victory, he pursued the enemy to his capital of Meerpoore, on the borders of the desert, of which he took possession; and he afterwards entered the desert, with the view of taking possession of another post there, which might have been likely to have afforded an asylum to some enemy thereafter — a post called Omercote. I mention the fact, because in the course of these operations, a circumstance occurred which manifested the confidence which the officers and men had in their commander, and which showed the reason of his successes. Having determined to make an attack upon Omercote, he found that the river Indus was rising in his rear, and that he might experience a difficulty to keep up a communication with Hyderabad; yet he determined, and actually sent an order, that the operations should be stopped; he countermanded the operations, and directed the troops to fall back upon Meerpoor. At this juncture it was thought necessary to apply to him for further orders; and an officer there, one of his aides-de-camp, rode through the desert, in that hot season of the year, a distance of not less than forty miles, to let him know in what state the operations of the siege were, and to take his fresh orders upon the subject. Having received those orders, which enabled the operations of the siege to be continued, this officer rode back the forty miles, making eighty miles in one day in that climate. The operations of the siege were renewed, and the place was taken. I mention this circumstance, because it shows the remarkable fact of the confidence reposed in Sir C. Napier by those who served under his command, and the zealous desire of those with whom he was connected to carry out his views. My Lords, I cannot state a more simple fact to show the spirit which animated all under his command. I hope that I have said nothing to interrupt the unanimity of your Lordships. [*Cheers.*] There is only one other fact I will mention, to induce your Lordships to pronounce your approbation of this service. It happens to me to know that Sir Chas. Napier, on the morning of the second battle, received from the Governor-general his approbation of the conduct of the troops at the battle of Meeanee, and the announcement that the rewards for their

services would follow; and this was, I believe, a great inducement to the exertions of the troops, which were afterwards crowned with such success. With these few remarks, my Lords, I cordially support the resolutions of my noble Friend.

Resolutions agreed to *nem con.*

Recent Affairs in Spain.] The Earl of *Clarendon* said, that in rising to put to my noble Friend, the Secretary for Foreign Affairs, the questions of which I gave him notice, I must, in the first place, assure him, that I am not influenced by party motives, nor by any desire of causing the slightest embarrassment to the Government; but the events which have recently occurred in Spain, and still more those which are impending, are to my mind of a character too serious to be permitted to pass unobserved, and in silence. I am convinced that they received the anxious attention of my noble Friend, and that the House and the public will be desirous of receiving any information upon them, which he may not think it inconsistent with his public duty to communicate, for Spain must always occupy an important place in the general policy of Europe, and the prosperity, and, above all, the independence of that country must always be deeply interesting to the people of England. In fact, the British Statesman would greatly fail in his duty, who neglected every means in his power to secure the independence of Spain, and to resist all attacks upon it, be they open, or be they insidious, and come from what quarter they may. These are, I know, the principles of my noble Friend, which, upon more than one occasion, I have had the satisfaction of hearing him declare in this House, and I trust he may prove to your Lordships, that by them he has been guided, and that we are in no way responsible for, but on the contrary have done what was possible to avert the deplorable state of anarchy into which Spain has now fallen. A state of things, which must be equally alarming to those who wish well to liberal institutions, or who are anxious to maintain the dignity and security of thrones, for the throne and the constitutions of Spain are now in equal danger; both have been alike degraded, and in fact set aside, and in their place has existed a military despotism of the worst and most ferocious description, which, under a reign of terror, has for months past been rioting in acts of violence and illegality, and have trampled upon the laws, and outraged the feelings of the Spanish people. The present state of things cannot last; no nation will long submit to such tyranny as now exists in Spain; a fierce re-action will come, but leading as that must do to a chronic state of civil war, with all its evil consequences and dangerous example, other Governments may think themselves justified in interfering to put a stop to it, an intimation indeed of such a design under certain contingencies has been already given—this, on the other hand, may give rise to serious discussions among the powers of Europe; and it is therefore essential, not only as regards Spain, but the present peace of Europe, as well as the peculiar interests of Great Britain, that tranquillity and regular government should be restored; and if I know any thing of Spain, I can affirm that that can only be effected, through the institutions which the Spanish people have for the last ten years been struggling to obtain, but which are now in the utmost danger of being abolished. I will not go the length of saying, that any interference on the part of this country could have prevented the lamentable state of things which now exists in Spain, but, at the same time, I unhesitatingly affirm, that foreign interference, not the less effectual for being disguised, has caused it, and for this the Spaniards themselves are mainly to blame, for there are among them certain classes who unfortunately do not scruple to accept any assistance from any quarter against their political rivals, however dangerous that assistance may be to the national interests. It is to this readiness to place themselves under the yoke of foreign influence, that many of the disasters which have befallen Spain are to be attributed, and among them the overthrow of the Regency. I will very briefly recapitulate the occurrences which preceded that event, as it is necessary, in order to render the present state of things intelligible. No sooner was General Espartero raised to the highest dignity of the State, and it was seen that his government would be conducted upon principles strictly constitutional and national, than the destruction of his power was resolved upon by those classes of persons to whom I have just alluded, the plots and intrigues for that object, originated and were matured at Paris; they were known to, and not discountenanced by the French Government, the insurrection in the Basque Provinces; in the name of the Ex-Queen Regent, and the attack on the palace, for the purpose of

carrying off the Queen were known of in Paris long before they occurred in Spain—then came the studied insults offered to the person and authority of the Regent by the French ambassador, M. de Salvandy; these were followed by the revolt at Barcelona, and the reward conferred upon the French consul, M. Lesseps, by return of telegraph, when the mere fact of the revolt, and nothing of the conduct of the consul could be known at Paris. I must also remind your Lordships of the official apology insisted upon by the French Government from that of Spain for having wrongfully accused the consul, or rather for not having accused him rightly, and the obstinate refusal of the French Government to withdraw the consul, although repeatedly and respectfully informed that his residence at Barcelona, after the part he was known to have taken in the insurrection, was most injurious to the authority of the Spanish Government—these facts are notorious, and they establish beyond all doubt the hostility of the French Government to General Espartero; but the enemies of the Regent finding that their objects could not be effected by insurrection or violence, had recourse to parliamentary manœuvres, and by well-directed intrigues in the Cortes, the action of the Government was at length paralysed, and the formation of a Ministry that could command a majority, was rendered impracticable. When the Regent was thus deprived of constitutional power, a fresh revolt was determined upon, the leaders of this then quitted Paris, with the knowledge and sanction of the French Government, and they received every assistance from the French authorities on their journey to the frontier. The Regent's generals were inactive or unskilful; his soldiers were ill-paid, and seduced by the money and the promises offered them by his rival—the moment for striking a decisive blow was lost — reverse ensued, and the cry against the Regent spread like an epidemic over the land, thus without an attempt to found any charge against him; without an accusation against his honour or his devoted attachment to the Sovereign and the institutions of Spain; and without a thought or a care by what individual or what system he should be replaced—never, I believe, in the annals of history, was there a more wicked and objectless Revolution. General Espartero fell, and your Lordships will remember that the news of his overthrow was received here by people of all parties with unmingled regret, but at Paris with marks of the liveliest satisfaction. I am convinced, however, that the French Government, in the course they pursued towards General Espartero, committed a great error—an error which, to my humble judgment, is quite incomprehensible, considering the profound sagacity that directs the policy of France, for the smallest degree of foresight, the smallest amount of knowledge of the Spanish character, and of the state of things in Spain, would have sufficed to show the danger of overthrowing the Regency. I will go even further and affirm, that there was no sovereign or government in Europe, desirous of upholding the monarchical principle, and preventing the degradation of crowned heads, that was not directly interested in the maintenance of General Espartero's power; the furious elements of discord, that his absence has let loose, abundantly prove what must have been the difficulties of his position, and entitle him to the highest credit, to that credit in short, which was so warmly, though not more warmly than justly, bestowed upon him by my noble Friend, and the right hon. Baronet at the head of Her Majesty's Government, for having so long, and in despite of foreign and domestic intrigues, governed the country in peace, and without one single infraction of the constitution or the laws. Most difficult also would have been the position of the Queen, even under the most favourable circumstances, of the country being handed over to her in a state of repose at the age fixed by the law for attaining her majority, but how immeasurably have all her difficulties been increased by her being forced prematurely to ascend the throne amidst bloodshed and civil war? The victim of the selfish band of conspirators into whose hands she has fallen, and already the unconscious instrument of violating the institutions and the laws, as well as the customs and the prejudices of the people, she nominally governs to an extent which her father in all the plenitude of his despotism would hardly have dared to contemplate. Such, however, are the auspices under which the reign of this youthful Sovereign has commenced; yet nothing has occurred which might not easily have been foreseen, and quite as easily have been prevented. I know full well how much it is the practice in Spain unduly to blame foreign governments, and upon what light evidence disasters are directly attributed to their intervention. I know it has been said and believed in

Spain as well as here, that agents were sent from France to promote this senseless revolution; that the ample funds which he tinsurrectionists had at their command were supplied by France, and that arms in large quantities were furnished from the French arsenals on the frontier, but I disbelieve these stories—I am convinced that they are without foundation—I am equally convinced, however, that if the French Government had wished well to General Espartero, he would at this moment be Regent of Spain—if the French Government had announced their good-will towards him to the conspirators at Paris—if they had applied in his favour those principles upon which they united in Switzerland against Louis Buonaparte, and declared that all those Spaniards who were receiving hospitality in France should not be permitted to abuse it by conspiring against their own Government and country—if they had called into action but the smallest portion of those enormous powers of police which, when occasion requires, can be so rigorously exercised, rely upon it no revolution would have taken place in Spain. Unfortunately none of this occurred, and the result, if I am not mistaken, is rather embarrassing; the success has been too great; it has far outstripped the expectations or the intentions of those who merely desired the downfall of the Regent, but wished to reflect upon the consequences it might entail; they have seen with alarm the army officered and recruited by the adherents of Don Carlos; the Cortes prorogued without any cause being assigned, the most unpopular laws inflicted upon the country by ordinances, and the constitution as completely set at nought as if it was not the foundation and the strength of the Queen's cause. I say these things must be seen at Paris with alarm; because they cannot last beyond the fleeting popularity of the soldier at whose bidding they have been brought about; reaction must come, and with it worse confusion and greater anarchy, and shocks against which the Spanish throne must not be expected to stand. In the midst of all this disorder, however, brought about in the manner I have attempted to describe, the world is informed from the mouth of the King of the French, that a cordial understanding exists between France and England with respect to Spain, not as to general policy, but specially with respect to Spain. This announcement, however satisfactory it might have been, however much matter for rejoicing it might have afforded a twelvemonth since, is at the present moment somewhat ominous. I fear it portends only, that the objects of the one Government havin gbeen more than fully accomplished, the sanction of the other Government has been required and its assistance called in for the purpose of preventing those objects from being hereafter defeated. When General Espartero was Regent — when Spain was tranquil — when there was a prospect of the Queen's ascending the throne at the age prescribed by law, and by the advice of a strong Government, and with the consent of a united Cortes, uninfluenced by foreign dictation, proceeding to select for her consort the prince best suited to the difficulties he would necessarily have to encounter, we heard nothing of this cordial understanding between the two Governments, which seems to have been reserved for times when every thing good has been marred, and every thing mischievous has been achieved. It is upon this point I would wish to ask for information from my noble Friend, if, consistently with his duty, he can afford it; namely, upon what basis this good understanding rests, and what course will henceforward be pursued with regard to Spain under this new and united policy. I heard with the sincerest satisfaction in Her Majesty's Speech, that this cordial understanding was not limited to Spain,—so in the speech of the king of the French,—and I trust my noble Friend may be able to inform their Lordships that its beneficial influence will be extended to all the various transactions in which the two countries are concerned. I am convinced that no intelligence would be more gratifying to the people of England, for they would justly regard it as the best guarantee for maintaining the peace of the world, and I believe it would not be less gratifying to the great majority of the enlightened people of France, notwithstanding the efforts of a portion of their press, and of some public men, to envenom the relations between the two countries for their own selfish purposes, and because they think they can better, and more safely exhibit their patriotism, by injurious attacks upon England, than by directing the reluctant attention of the public to matters of domestic, and therefore of less exciting interest. Whether my noble Friend will give me the information I seek or not, I must be permitted to say, that the understanding now come to between France and England is of the utmost importance, first, because

it may be the means of saving or destroying the institutions of Spain; and secondly, because it must involve, indeed, it probably relates chiefly to the Marriage of the Queen, and upon that I have no hesitation in affirming, depends the last remaining hope of prosperity for Spain; upon the selection of the Queen's husband depends the possibility of maintaining the internal peace, and establishing regular government. This brings me to the next question which I am desirous of putting to my noble Friend, it is respecting the right claimed by the French Government to place a Prince of the House of Bourbon upon the Spanish throne, and their determination to prevent by force, if necessary, any other than a member of that family being selected by the Spanish nation as the husband of their Queen; for the mission of the French Envoy, M. Pageot to announce this determination to Her Majesty's Government as well as to the courts of Austria and Prussia, is no more a secret than the declaration of M. Guizot to the same effect in the Chamber last year. Now if the French Government had restricted their claim to the exclusion of any individual who might be obnoxious or dangerous to France, neither Spain nor any other country would have had a right to object. A marriage, between the Queen of Spain, for instance, and the Duc de Bordeaux or a member of the Buonaparte family, would have been so manifestly obnoxious that they would have been justified in preventing it; but the French Government go further; they have not only said the Queen shall not marry certain individuals, but have declared that out of one family alone—that family too, whose advent in Spain has been productive of small benefit to that unfortunate country—she shall be permitted to select a husband, but upon what right this extraordinary claim is founded or upon what pretence it is sought to defend this open denial to Spain of the character and attributes of an independent nation, I am wholly at a loss to imagine; for it seems to me that beyond that jurisdiction which the powerful may at all times exercise against the feeble, France has no more right to interfere in this matter, her own immediate interests being guarded, than in the marriage of any other sovereign of Europe. The general belief, however, is, that this claim, if not openly recognized, is at least no longer disputed by my noble Friend; indeed, so cordial an understanding is said to exist on the subject, that the individual is actually agreed upon between the two Governments, whom the Queen of Spain, whether she or the Cortes choose it or not, shall be compelled to accept, and that this individual is the Count Trapani, a brother of the King of Naples, a prince now but sixteen years old, brought up by the Jesuits at Rome, and destined for holy orders. But I must beg their Lordships to remember, that the court of Naples has never ceased to conspire against the cause of liberty in Spain in favour of Don Carlos, whose agents were publicly received at Naples. That the court of Naples was the only one in Europe which formally protested against the restoration by King Ferdinand of the ancient order of Succession, and that so great was the irritation of the King of Naples upon this subject, that in 1840, after the termination of the civil war, he absolutely refused to allow his own sister, Queen Maria Christina to cross his frontier when she was desirous of returning to Naples, and yet it is from a royal family, the most hostile to Spanish liberty, and the cause of the Queen, that the husband of that Queen is to be selected, at the age of sixteen, and fresh from a Jesuit college, is to be called to a position where all the advantages of a liberal education, and the utmost tact and prudence would hardly suffice for overcoming the difficulties by which he must be surrounded. Until I hear it from my noble Friend himself, I will not believe that we have come to a good understanding with France merely for the furtherance of such a design as this—a design, however, which still may, and I trust will be defeated by the Spanish people, by their proper sense of their own dignity, independence, and interests; but should this not be so, should their representatives be so far unmindful of their duty, and so far influenced by fear, or by motives even yet more unworthy, as to make a choice for the consort of their Queen, which will revive all that kingly and priestly despotism by which Spain has for centuries been enslaved, I do at least hope it will be impossible for them hereafter to plead the advice or concurrence of England in a step which must destroy the small remnant of hope still left to their suffering country. If my noble Friend admits, as I am sure he readily will, that we are interested in the well-being, and good government of Spain, in the developement of her resources, and above all, in her Independence; then I

trust he will declare, that he has been no party to a project which will prove an effectual barrier to them all. The questions which I would wish to ask my noble Friend are, whether any new line of policy has, in conjunction with France, been adopted by Her Majesty's Government with reference to Spain, and if so, in what manner it will be brought to bear upon the present state of things in that country; and secondly, whether Her Majesty's Government has recognised the right claimed by France, to insist that the choice of a husband for the Queen shall be restricted to the Princes of the House of Bourbon, and whether, in consequence of such recognition Her Majesty's Government has agreed to recommend that this choice should fall on Count Trapani, a brother of the King of Naples.

The Earl of *Aberdeen* said, My noble Friend has introduced his question with observations on the state of Spain, and of our relations with that country, in a manner which would better have justified a motion rather than the question with which he concluded, because it imposes upon me the necessity of making more general observations than may be altogether convenient to the House, or useful to the country in which the noble Earl professes so great an interest. I rejoice that my noble Friend has expressed his satisfaction at the establishment of a good understanding between France and this country, and that even those who have war in their hearts—and there may be such in this country—are still obliged to confess that they concur in that satisfaction. My noble Friend has entered at considerable length into the events which have taken place in Spain in the attempts to establish a constitutional system of government in that country, and he has described the various impediments which have occurred to the success of that establishment. No one knows better than the noble Earl the history of Spanish affairs; and if he cannot, I do not think that any one, looking back to the various revolutions, and revolts, and changes, which have taken place during the last ten years, since the death of Ferdinand, can give any intelligible or consistent account of the motives of any one of them. I know that when these events take place great credit is given to foreign influence. This is plotted in Spain—the other is contrived in London. The noble Lord knows that if the overthrow of the Regent was contrived in Paris, his elevation was said to be contrived in London. The existence of Espartero and of his government was as much maintained to be the effect of English interference as the downfall, according to the noble Earl, was the effect of French intrigue and of the French government. I believe both the one and the other statement to be equally true—or rather to have no truth. I am satisfied that the English Government had nothing to do with the elevation of Espartero any more than the French government had with his overthrow. It is truly preposterous to imagine that this was so effected. I do not say that it was a most senseless and objectless revolution, but to say that it was not national, is to maintain what is contrary to the common observation of mankind. In the course of six weeks there was not a single village in Spain which did not rise in opposition to the Regent. From one part of the country to the other, including his own army, the most devoted of his followers, all were united in their desire to overthrow him, and to expel him from the government. If this were produced by a few thousand francs and a few French intriguers, it was ridiculous to suppose that all this could have been done, although I know that in Spain they are believed to be a numerous party. If it had not been general, it would have been senseless to resist the Regent: but if it were not a national revolution, let me ask how it was, when he had escaped from the troops that pursued him, and found himself safe in Cadiz, with maritime means at his disposal, Spain having thirty or forty strong places along the coast, that not to one could he go, but was obliged to embark and set sail in an English ship? He is a gallant and a brave man; if every party in the country had not abandoned him, so long as he had any hope he would have remained; but he found, whether rightly or wrongly, that the country had decided against him, and he therefore abandoned all his prospects. It is utterly impossible that this could have been effected in the manner which has been suggested. My noble Friend was himself believed by a large party in Spain, to be the author of the revolution of La Granja; and no doubt he will go down in the history of Spain as its author. I have, my Lords, long been of opinion, that we have meddled a great deal too much in the affairs of Spain. The mischief may have been little which my noble Friend did in that affair, but we have been too meddling in the course of affairs in that country. If any-

thing, we may have too much influence in Spain. I attribute the downfall of Espartero to the supposition, perfectly unfounded, but still believed, that he was elevated under English influence. If there is anything more strongly marked in the determination of the people of Spain, it is their spirit of resistance to foreign influence; and, though they may for a time submit, there is no doubt that they will rise against it, and resist it, and that it will ultimately be completely destroyed. My noble Friend has adverted to the cordial understanding which exists, with respect to Spain, between the English and the French Governments, referred to in the Speech of the King of the French. I can assure him that the cordial understanding has no particular reference to Spain, although in the Speech of the King of the French, Greece and Spain were mentioned as two countries with respect to which the greatest anxiety prevailed, and on which a good understanding was most immediately desirable. This good understanding was not founded upon any specific agreement or alliance, but upon a belief that the essential interests of the two countries are involved, and it depends upon mutual trust in the honour and integrity of the two Governments of England and France. I can have no difficulty in explaining to the noble Earl the basis of that understanding: it rests upon a desire to maintain Spanish independence—upon an anxiety to support the establishments and constitutional system in Spain—upon a wish, by all proper means. to check every species of violence and reaction, and to develope the great national resources of that country, and to extend her prosperity and secure her happiness. Those are the objects of our good understanding with France; I know no other, and, what is more, I believe that no other exists. My noble Friend has also alluded to a subject which I think is scarcely fit for parliamentary discussion; I mean the marriage of the Queen of Spain. Upon that question also I can have no difficulty in repeating a declaration I have often made before—it is completely and exclusively a Spanish question and a Spanish interest. No doubt it may happen that the Spanish marriage is such as to engage the attention of the other powers of Europe; indeed, it cannot well take place without being a subject of some solicitude to other states; but it is a matter for the Spanish government and Spanish people to decide. And I can assure the noble Earl that this country has entered into no engagement, and has come to no understanding of any description which can interfere with the complete independence of the Spanish government and nation upon the subject. I may entertain an opinion of preference for one prince over another, but I give no opinion respecting the illustrious prince adverted to by my noble Friend. I am not to choose who is a fit husband for the Queen of Spain; but I leave that to the proper authorities in the Spanish nation. Whether the Spanish authorities will prefer a prince of the House of Bourbon or not is entirely for them and not for me to consider. I believe I have now answered both the questions of the noble Earl.

The Earl of *Clarendon*: Does the French government mean to exclude any prince from the throne of Spain, but one of the House of Bourbon?

The Earl of *Aberdeen*: I have no reason to think that any recommendation of the kind has been given. The French government may propose whom it thinks proper, but I am no party to anything in the shape of exclusion. It is very likely that the French government may think that the Spanish nation would do well to select a prince of the House of Bourbon. I may be of that opinion too; and a great deal may be said upon the subject. I believe that if the Spanish nation were to vote upon the question, such might be their choice; but I do not enter into a matter which is to be left to the fair choice of the Spanish government. I think that my noble Friend was wrong in what he said of the mission of M. Pageot last year; but it is not for me to enter into that subject: it is not before the House, and it has no practical bearing upon the question which is before it. My persuasion however is, that the noble Earl is mistaken upon the subject of that mission. I think I have now answered my noble Friend's questions, and I hope to his satisfaction, though I do not agree with his description of recent events, or of the nature of those events, yet I entirely concur with him that our greatest endeavour ought to be by every means in our power to secure the independence and the prosperity of Spain. I give him full credit for an absence of all party and personal feeling. I do full justice to the motives by which he is actuated, knowing, as I do, the great interest he has always taken in the affairs of Spain.

The Earl of *Clarendon:* I am bound in justice to say, that I think the answers of

the noble Earl entirely satisfactory; and I may be allowed to express my gratification at having been the means of obtaining them. I have heard him before state the principles he has this night avowed, and I rejoice to find that he still entertains them, and is determined to uphold the independence of Spain. It is most important that we should induce that country to do what she can to develope her own resources. I rejoice to learn that there is a mutual good understanding between the Governments of England and France upon these subjects, and above all, that they intend to maintain the constitutional and representative system in Spain. That was most satisfactory. As to the part taken by the French government, I will not enter into that question now. I am ready to admit my noble Friend's version of it, and will not, on the present occasion, adduce the proofs which at the present time I think I could do, as well as give reasons for my belief in the accuracy of what I have advanced. I will not allude to it farther than to say one word on what fell from him regarding the part he has supposed I took in that detestable revolution of La Granja. He intimates, that in fact I participated in it myself; but, if I am to be handed down, as he says, in Spanish history as a conspirator in that affair, I can only observe, that, like many other statements in the Spanish chronicles, it will be utterly without foundation. I heartily agree with him in what he remarked as to our meddling too much with the affairs of other countries, and I am glad to hear that my noble Friend means to avoid it in future.

Lord *Howden* stated, that having been a good deal in France and Spain, he was able to assert that what his noble Friend had mentioned about proofs, which he did not think fit to bring forward, might be attended with injurious consequences. It was one of the worst things that could have been said in reference to the alliance which all must be anxious to preserve. The effect of what had fallen from his noble Friend might not be overcome in two or three years, and might materially counteract what had been so well stated by the noble Earl at the head of the Foreign Department.

House adjourned.

HOUSE OF COMMONS,

Monday, February 12, 1844.

Minutes.] Bills. *Public.*—2°. Factories; Offences at Sea 3°. Metropolis Improvements.

Petitions Presented. By Mr. Walker, from Bury Union, for Alteration of Law of Bastardy.—By Mr. W. Lascelles, from Canterbury and Wakefield, respecting Window-Tax on Licensed Victuallers.—From Preston, for Inquiry into State of Ireland.—From Ware, against Union of Sees of St. Asaph and Bangor.—By Mr. Hutt, from Gateshead, and Mr. Ord, from Newcastle, against Increase of Dues on Coals Imported into London.—By Mr. Bright, from Reading, against Vote of Thanks to Army in Scinde.

Military Outrage at Brighton.] Captain *Pechell* wished to ask the right hon. Baronet at the head of the War Department in that House, whether his attention had been drawn to a statement in the papers, of an outrage committed by some soldiers, in barracks at Brighton, on the persons and property of several of the inhabitants. He wished to know whether any official information had been received, and whether any steps had been taken by the Horse Guards to prevent a recurrence of such conduct?

Sir *H. Hardinge* said, from the papers he found the quarrel at Brighton originated from a soldier having been struck and otherwise assaulted by three or four persons. The soldier called his comrades to his assistance, and the civilians ran into the house where the affray complained of took place. There was much violence used; in fact, the violent outrage which took place, it was impossible to defend. But, as the regiment had voluntarily come forward to defray the expense occasioned by the destruction of property which had occurred, and as there were legal proceedings pending against one of the offenders, he thought the House would not require him to enter further into the affair. With respect to the prevention of such occurrences, the Duke of Wellington, as Commander-in-Chief, had taken the strongest steps to prevent the recurrence of such affrays for the future.

Mothers and Children.] Mr. *Ferrand* put the following question to the right hon. Baronet:—That as Lord Chief Justice Denman has declared it to be the unanimous opinion of the Judges of the Court of Queen's Bench, "that there are some cases in which it is necessary to break in upon the Act of Parliament, and upon that which may have existed from all time;" and has also declared, that "it is the mother who is the proper party

to have the custody of all her children under seven years of age, and that it is not for the benefit of the mother, but for the protection of the children;" and that he thinks that "the judges ought to crush the first attempt to depart from that principle, and that it is of the highest importance that it should be considered the undoubted law of the land,"—whether the Government intend to insert a clause in the New Poor Law Bill, for the purpose of prohibiting the separation of mother and child, if they should become the inmates of a workhouse?

Sir *J. Graham* said, the hon. Member had placed the question in such a manner, as to remove all doubts as to the character of the explanation it required. The hon. Gentleman had apparently exercised the utmost care and caution in framing the question, but, undoubtedly, he had been led into a serious mistake somehow. The hon. Member's question referred to matters of fact, which did not exist, and to a dictum of Lord Chief Justice Denman's, which had never been pronounced. First, he would deal with matters of fact. By a general ordinance, which had received the force of a legal enactment, when the noble Lord opposite filled the office of Home Secretary, it is provided, throughout England and Wales, that no child under the age of seven years should be separated from its mother in the workhouse. He spoke in the presence of the noble Lord, who was then in office when this general order was issued—namely, that children under the age of seven years, were to be placed in the same ward as their mothers, and that parents and children should have access to each other at reasonable hours. To put aside the possibility of doubt as to the construction of the term "reasonable hours," the Poor Law Commissioners had defined it, "that reasonable hours was to be held to be, that, so long as the mother was suckling, she was to have access to her child when wanted; and that the child at no period should be placed beyond the mother's reach." He would now deal with the alleged *dictum* of the Lord Chief Justice. The hon. Gentleman believed that the *dictum* of the Lord Chief Justice was as he had stated it to be in his motion; but, so far from this being the *dictum* of Lord Chief Justice Denman, it is precisely the reverse. From one of the Judges, and from the law reports, he had his authority for what he now stated. He would read from the Law Journal report what was really the *dictum* of Lord Chief Justice Denman. Lord Denman said, cases had arisen, where, in order to give effect to an Act of Parliament, it was necessary to break in upon an established principle. The *dictum*, therefore, of the Lord Chief Justice, was precisely the contrary of that quoted by the hon. Member. He hoped the answer he had given would be satisfactory.

Fisheries Convention.] Captain *Pechell* wished to put a question to Her Majesty's Government relative to the proceedings with France under the late Convention for regulating the Fisheries of the two countries. Last Session this country had performed its part, and had done its best to give force to the regulations of the Convention, but as he had not heard of any proceedings of a like nature on the other side, he thought it was necessary the country should know what was the nature of the laws respecting the Fisheries, and whether the French Government had performed its part by submitting to similar regulations.

Sir *R. Peel* was quite willing to give any information in his power. The hon. and gallant officer would recollect, that when the last Convention, in 1843, was agreed upon, the two Governments were in a different position. The Parliament of this country were sitting, while the Legislature of France had closed its proceedings. It was, therefore, impossible for the French Government to take the same effective steps which the British Government had taken, to give force to the law. The French Government had extensive powers to regulate their affairs by ordinance; but this power, he was informed on good authority, was not sufficient to enable the French Government to carry into complete effect the provisions of a convention of this nature. He had no doubt, however, that the French Government would take the proper steps to carry the stipulations of the Convention into effect. Indeed, he believed, that he might state that he had been advised on good authority that a *projet de loi* had been prepared, which would be shortly submitted to the Legislature of France, for the purpose of carrying these regulations into effect. He had, therefore, reason to hope that no unnecessary delay would

occur in obtaining the requisite legislative sanction in France to the provisions of the Convention.

LAND TENURE COMMISSION (IRELAND.] Mr. *Ross* observed, that the House would recollect the question put the other night to the right hon. Baronet, by the hon. Member for Finsbury, as to whether there would be any objection to place some tenant farmers on the Land Tenure Commission in Ireland, in order to remove the suspicions which, undoubtedly, in some quarters, attached to it. The right hon. Gentleman expressed some doubts on the subject, and asked whether any tenant farmers would serve without pay. He was of opinion that many could be found, and he knew that this was the case, with respect to the tenant farmers in the northern part of Ireland. The next day he was informed, on good authority, that several tenant farmers in the west and south of Ireland, paying rents varying from 2,000*l.* to 300*l.* or 400*l.* a-year, could be found who would be willing to undertake the duty without payment. He thought that the right hon. Baronet seemed rather inclined to yield to the wish expressed by the hon. Member for Finsbury. The question which he wished to put was, whether, as there was no difficulty in finding respectable tenant farmers to act upon the Commission without payment, the right hon. Gentleman would consent to add some of that class to it. Supposing his answer to be in the negative, whether he would consent to associate some of the humbler class of tenants with those already named in the Commission, paying them for their time and trouble?

Sir *R. Peel* replied, that the hon. Gentleman must have misunderstood the answer which he gave the other evening to the question put by the hon. Member for Finsbury. He meant to have said, and he thought that he had stated on that occasion, that he was not prepared to advise any alteration in the constitution of the Commission. As for the class of tenants paying 2,000*l.* a-year rent, they rather might be placed on the footing of landed proprietors, than in the same class with the great mass of the occupying tenants. The Commission had already made great progress in their inquiry, and he had reason to believe that the period would not be very long before some portion of the Report would be laid on the Table; he, therefore, was not prepared to sanction any alteration in the constitution of the Commission.

Mr. *Ross* said, he thought, that the right hon. Baronet had not answered the second part of the question put to him, namely, whether he would object to some of the humbler class of tenants being placed on the Commission; and also, whether any of such class were to be examined before the Commission?

Sir *R. Peel* said, that with respect to paying salaries to certain tenants of the humbler class for sitting on this Commission, he conceived, that he had answered the question when he remarked, that he did not think it advisable to alter the constitution of the Commission. He wished to speak with every respect of the humbler class of tenants, and he hoped, that he might say, without offence, that as it was probable that many of the humbler class of tenants would be willing to receive appointments on the Commission, from the prospect of pecuniary reward, he did not think that it would be an improvement of the Commission to adopt any suggestion of that nature. With respect to the evidence of this class of persons, there could be no doubt but that it would be most valuable, and it was most desirable that every inducement should be held out to them to express the iropinions before the Commission.

FACTORIES.] Sir *J. Graham* moved the Order of the Day, for the second reading of the Factories Bill.

Mr. *Ferrand* asked, whether the promise which had been given to a deputation of frame-work knitters from Leicestershire, Nottinghamshire, and Derbyshire, that a commission should issue to inquire into their complaints against their employers, was to be carried into effect?

Sir *J. Graham* said, that the commission had already issued. Mr. Muggeridge had been appointed to inquire into the subject.

Mr. *Ferrand* said, that the appointment of Mr. Muggeridge would not give the slightest satisfaction. The result of his appointment on the Handloom-weavers Commission had been highly unsatisfactory, and his appointment on the present occasion would merely have the effect of putting the country to expense. Would the right hon. Baronet have any objection to refer the matter to a select committee

of the House, instead of to a commission so constituted?

Sir *J. Graham* was in absolute despair of pleasing the hon. Gentleman. First, nothing would satisfy the hon. Gentleman but a commission; now a commission was given him, he wanted something else. He really could not comply with the hon. Gentleman's second request. From all the inquiries he had made upon the subject, from information he had obtained from the President of the Board of Trade, and from the brother of the right hon. Gentleman in the Chair, Mr. Lefevre, who gave the highest testimonies in Mr. Muggeridge's favour, he was convinced that Mr. Muggeridge was in a very eminent degree qualified for the charge which had been entrusted to him.

The bill read a second time.

METROPOLITAN IMPROVEMENTS.] The Earl of *Lincoln* moved the third reading of the Metropolitan Improvements Bill.

Mr. *Hume* objected to the power which had been given in this bill to the Commissioners of Woods and Forests to borrow from the Bank of England money on mortgage, for the purpose of carrying out these improvements, although he knew the same power had been given to the Commissioners under the provisions of a former similar act of Parliament. The consequence of the Bank of England being permitted thus to lock up its money in securities, which were not readily convertible into cash, might be that the Bank would find itself one day without a guinea to carry on the business of the public.

The *Chancellor of the Exchequer* thought this was a case to which the objection of the hon. Member for Montrose could not in fairness be applied. The money about to be advanced in this instance was not advanced in the same manner as money advanced upon mortgage. It was to lie out until it would be convenient to repay it by instalments whenever money came to hand as the old buildings were taken down and sold.

Mr. *Hawes* said, he had papers in his hands complaining of the great injury done to a large body of individuals who lived or had shops in the immediate neighbourhoods where the various metropolitan improvements were taking place, in consequence of the extraordinary slow progress of the works. In many places, rows of houses had been pulled down for the last two years, and no progress made towards rebuilding them, evidently a great inconvenience and injury to the surrounding locality. He understood, too, that in the meantime, the Government was paying a large sum in ground rents for the places thus pulled down; so that the delay was in every way objectionable. The Government should not pull down any House before it was prepared to set about the rebuilding of it.

The Earl of *Lincoln* assured the House that due diligence had been used by the board, and that they had been careful to collect the best possible advice upon the subject. There was good reason to apprehend that if the whole of the materials of the houses pulled down were to be too hastily pressed on the persons who dealt in those materials, the Commissioners would get nothing for them, and the expense of the improvements would be thereby considerably increased.

Bill read a third time. On the question that the Bill do pass,

Mr. *Hume* with a view to exclude the Bank of England from engaging in lending money upon the security of these Improvements, for the reasons he had stated, moved as an amendment, that the words, "The Governor and Company of the Bank of England," in the 15th line of the second page of the bill, be omitted.

Mr. *Masterman* thought the hon. Member perfectly justified in the objection he had taken to the clause empowering the borrowers of this money to take it from the Bank of England. A body like the Bank of England should not enter into a speculation of this nature, or lock up its money in securities from which the Bank could not withdraw it whenever it became necessary for the public convenience or protection.

The *Chancellor of the Exchequer* said, that when a former act for Improving the Metropolis passed, two years ago, the right had been reserved to the Commissioners of Woods and Forests to borrow money for the purposes of the Act, and it had accordingly happened that great competition took place between various capitalists. The terms offered by the Bank, however, were the more favourable terms. Doubts were suggested whether the Commissioners could legally borrow of the Bank; reference was made to counsel, who gave their opinion that they might. Although

thus fortified in his previous opinion, he thought it better to introduce this clause, empowering the Commissioners to borrow the money of the Bank, which was an enactment merely confirmatory of the Act 4 and 5 of Victoria. This mode of investment had an attraction for the Bank of England, which it had not for private parties, who looked more to permanency when they advanced their money by way of mortgage. Hence the offers of the Bank had been more liberal, and had been accepted.

Mr. *Hawes* could not view the question in the light the right hon. Gentleman saw it. The bill, if he read it aright, contemplated a clear right to invest the money with the Commissioners of Woods and Forests, without return, for five years, which was a principle he thought it would be injudicious on the part of the House to sanction, with respect to the Bank of England particularly, as they were, he believed, about to accept of assistance on these improvements, from other quarters, and especially from the source of the coal duties levied by the corporation of the city of London.

Mr. *M. Philips* disapproved of the system of allowing the Bank of England to advance money on mortgage. He must say, as a commercial man, he would not open an account with any bank which dealt in securities that could not be realised immediately in cases of emergency. He hoped that the words objected to by his hon. Friend, the Member for Montrose would be omitted.

Mr. *C. Wood* said, that there had been a strongly-expressed opinion on the part of the public against the Bank of England advancing money by way of mortgage; and in consequence of that expression of feeling, the practice had entirely ceased. He must, therefore, object to sanctioning by a parliamentary enactment a practice which had been condemned by the Bank itself. True it was, as the Chancellor of the Exchequer had stated, this money was not permanently locked up as a mortgage would be; but the security on which the money was to be advanced was not a negotiable security, and the repayment of the money was made contingent upon circumstances. If he thought there was an impossibility of obtaining the money from other sources he should waive his objection; but there were Assurance Companies and other large bodies of whom money was to be had cheap enough, and there could be no difficulty in getting it from the Exchequer Bill Loan Commissioners, or from any bankers in the country.

Sir *R. Peel* apprehended, that the course which the House had to pursue was, to prevent the sanctioning of a general principle, that the money of the Bank of England should be laid out on mortgages; there certainly was a great objection to placing funds in such securities as were not available at the shortest notice in case of necessity. But it was hardly possible to say, that this was a violation of that principle. The total amount which was wanted would not exceed 150,000*l.* or 200,000*l.*, and it was merely permissive on the part of the Bank to advance this amount. It might be necessary to borrow various small sums of perhaps 5,000*l.*, or 10,000*l.* at a time; but, on the other hand, it would be necessary to have a security to repay the sums which were wanted. The difficulty was to find Insurance Companies who would make those advances on such terms, that the parties should receive the amounts by small instalments; because if they borrowed more than was required it was a dead loss. Under all the circumstances, he hoped the House would not think this an objectionable arrangement.

Mr. *Hume* did not object to the arrangement on the score of the amount which was required to be borrowed, but he objected to it on principle. His objection was, that the Bank of England should advance money on mortgage—for there was no doubt they would lend on that security. He objected to pledging the House to the adoption of a bad principle. He would, therefore, beg the right hon. Baronet to postpone the passing of this bill, to see whether there could be any modification made in the plan.

Mr. *C. Wood* suggested to the right hon. Baronet, that as several small sums would be required, whether a limit should not be named, in reference to the amount to be borrowed from the Bank.

Mr. *Stuart Wortley* objected also to the power to be given to the Bank of England to lend money on mortgage. He thought, however, this was an exception to the case. The right hon. Baronet had stated the difficulty in obtaining loans of this kind, and he thought, looking to the

smallness of the sum wanted, this should be regarded as an exception to a general rule.

Dr. *Bowring* said, this was a question of great importance, when the application was made the exception of a Parliamentary sanction. He thought his hon. Friend was quite right in persisting in dividing the House on this question.

Sir *R. Peel* was willing to propose a clause limiting the amount to be borrowed of the Bank of England, by way of mortgage, to 250,000*l*. The right hon. Baronet moved the insertion of this limitation in the amount to show that the House did not recognize the principle generally.

The House divided on the question, that the words proposed by Mr. Hume to be left out stand part of the question: — Ayes 145; Noes 70: Majority 75.

List of the AYES.

Ackers, J.
Acland, T. D.
Aldam, W.
Allix, J. P.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Baillie, H. J.
Baillie, Col.
Baird, W.
Baldwin, B.
Bankes, G.
Baring, hn. W. B.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buckley, E.
Buller, E.
Burrell, Sir C. M.
Cardwell, E.
Charteris, hon. F.
Chetwode, Sir J.
Cholmondeley, hn. H.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Colborne, hn. W. N. R.
Collett, W. R.
Compton, H. C.
Conolly, Col.
Corry, rt. hon. H.
Cripps, W. H.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Divett, E.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Escott, B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forester, hn. G. C. W.
Forster, M.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Gregory, W. H.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt G. G.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Heathcote, Sir W.
Henley, J. W.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Howard, P. H.
Irving, J.
Jermyn, Earl
Jocelyn, Visct.
Knatchbull, rt. hn. Sir E.
Leslie, C. P.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
M'Geachy, F. A.
Mackenzie, W. F.
Mac Neil, D.
Mahon, Visct.
Mangles, R. D.
Manners, Lord C.
Manners, Lord J.
Marton, G.
Milnes, R. M.
Morgan, O.
Morris, D.
Murray, A.
Nevill, R.
Nicholl, rt. hon. J.
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Packe, C. W.
Paget, Col.
Pakington, J. S.
Patten, J. W.
Pattison, J.
Peel, rt. hon. Sir R.
Peel, J.
Praed, W. T.
Pringle, A.
Protheroe, E.
Ramsbottom, J.
Reid, Sir J. R.
Repton, G. W. J.
Rushbrooke, Col.
Shaw, rt. hon. F.
Shelborne, Earl of
Shirley, E. P.
Sibthorp, Col.
Smythe, hon. G.
Somerset, Lord G.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Trench, Sir F. W.
Turner, E.
Verner, Col.
Vivian, J. H.
Waddington, H. S.
Wood, Col. T.
Wortley, hon. J. S.
Wrightson, W. B.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Arundel and Surrey, Earl of
Baring, rt. hon. F. T.
Barnard, E. G.
Berkeley, hon. C.
Bowring, Dr.
Bright, J.
Brotherton, J.
Busfield, W.
Butler, hon. Col.
Butler, P. S.
Byng, rt. hon. G. S.
Christie, W. D.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Curteis, H. B.
Dalrymple, Capt.
Dawson, hon. T. V.
Dennistoun, J.
Duncan, G.
Dundas, Adm.
Easthope, Sir J.
Ebrington, Visct.
Esmonde, Sir T.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fox, C. R.
Gibson, T. M.
Grey, rt. hon. Sir G.
Halyburton, Lord J. F.
Hastie, A.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Howick, Visct.
Hutt, W.
James, Sir W. C.
Labouchere, rt. hn. H.
Langston, J. H.
Lawson, A.
Macaulay, rt. hn. T. B.
Marsland, H.
Masterman, J.
Napier, Sir C.
Ord, W.
Palmerston, Visct.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Rawdon, Col.
Russell, Lord J.
Scholefield, J.
Smith, B.
Smith, rt. hn. R. V.
Standish, C.
Strickland, Sir G.
Thorneley, T.
Townely, J.
Trelawney, J. S.
Troubridge, Sir E. T.
Tuffnell, H.
Vane, Lord H.

Walker, R.	Wyse, T.
Wawn, J. T.	TELLERS.
Wilshire, W.	Hume, J.
Wood, C.	Hawes, B.

Mr. *Hume* said, the proviso was a mere evasion; and he was extremely sorry that the right hon. Baronet, whose opinions must regulate the majority of that House for this Session at least,—in respect to bargains with the Bank of England, should in the present case have violated a sound principle. He objected to any limitation, but since the matter was decided against him so strongly, he would say no more.

Proviso moved by Sir R. Peel added.

Bill passed.

VOTE OF THANKS TO SIR CHARLES NAPIER AND THE ARMY IN SCINDE.] Sir *Robert Peel* said, Sir, I rise for the purpose of moving, that the Thanks of the House be given to a portion of the British army, and to its gallant Commander, for services recently performed under very critical circumstances, and during very important operations on the banks of the Indus, which army has, under these circumstances, and during these operations, exhibited proofs of discipline, of constancy and of valour which have sustained and even exalted the high character of the British army, and have entitled that army and its commander to the public expression of our thanks. With the policy of the measures in the execution of which, that army has been employed, I have upon this occasion, nothing to do. Whether it were justifiable and politic to exact from the Ameers of Scinde penalties on account of the violation of their engagements—whether it were politic to demand the cession of territory in lieu of the tribute to which the Ameers were subject, are questions which, in my opinion, ought to be reserved altogether for separate consideration. I have now to call the attention of the House to the conduct and merits of gallant men performing the first duty of a soldier—namely, obedience to lawful authority, and by the mode in which they performed it, entitling themselves, in my opinion, to the public acknowledgement which I shall propose. Sir, others I consider to be responsible for the measures, the execution of which was committed to Sir Charles Napier. He was employed by the Governor-general. He received instructions from the Governor-general. He had authority, within certain limits, from the Governor-general; but for the employment, the instructions, the authority, the Civil Power in India, and not Sir Charles Napier, is, in my opinion, altogether responsible. I shall be prepared on the proper occasion, if need be, to vindicate the instructions and authority, but upon the present occasion, I shall altogether abstain from entering into any discussion on the policy of the measures themselves. Sir, the information which has recently been laid on the Table of the House, and the degree of public attention which has been directed to the operations in Scinde, relieve me from the necessity of entering into any detail with regard to the measures which led to the employment of the British army on that occasion. I take it for granted, that every Gentleman has read the papers laid on the Table of the House, relating to the subject, and I shall not, therefore, enter into any unnecessary detail of the circumstances which led to the British army being placed under the command of Sir Charles Napier. The House would recollect, that about the month of September, 1842, Sir Charles Napier was directed to take the command of the British army in Scinde and Beloochistan. The active operations in which he was engaged extended for a period which is included between January 1843, and the latter end of March, in the same year. That period of three months, included the advance upon Emaum Ghur, the battle of Meeanee, and the battle of Hyderabad. These two battles, the most prominent objects to any one contemplating the subject, were fought under very peculiar circumstances. According to the first report of Sir Charles Napier, the force opposed to him in the battle of Meeanee amounted to somewhere about 23,000 men, while his own force did not exceed 2,800. I have, however, reason to believe, that he overrated the amount of the force under his command, and underrated that of the force opposed to him. I believe it would be more consistent with the truth, were I to say, that the number of the British troops under his command at the battle of Meeanee, did not exceed 2,000, and that the force opposed to him did not fall short of 25,000, the number originally given. Sir, the force of the Ameers consisted of men accustomed to war, of

great natural courage, and of desperate resolution, to which full credit is given in the admirable despatch of Sir Charles Napier. That force, originally estimated at 25,000 men, occupied a very formidable position. They were posted in the dried bed of a water-course, which during the inundations of the Indus becomes filled. The enemy were flanked by a village, and by a wooded country, almost impervious to troops. Their position, I believe, was defended by fifteen pieces of artillery; and against this force of 25,000 men so posted, Sir Charles Napier and his army marched, for the purpose of defending their lives, and supporting the honour and credit of their country. At the battle of Hyderabad, the force of Sir Charles Napier had received the addition of two or three regiments; and the British force in that battle amounted to 5,000 men. The force opposed to him, consisted of about 20,000. Of the courage and resolution of the army of the Ameers no greater proof can be given than one adduced from the despatch of Sir Charles Napier,—

"That on the approach of the British army the Beloochees did what, as an exhibition of courage, corresponds in European warfare with the actual conflict of the bayonet, the proof of European courage which is the most decisive, that after discharging their firelocks at the troops of Sir Charles Napier, they rushed from the watercourse in which they had taken up their position and attacked the British soldiers with their shields and swords, which they took as substitutes for their firelocks."

Nothing can be more decisive than the testimony of Sir C. Napier to the valour of those who were opposed to him; at the same time, any one who considers the circumstances of the action, the nature of the position, the valour of the enemy, and the disparity of the forces, will admit that, the valour of the enemy was rendered vain by the eminent military skill on the part of Sir C. Napier. Sir, in those two battles also, although there was such an immense disparity of force, the valour of the British soldiers fully maintained the character of their country. In the first battle, where the disparity was the greatest, the British force consisted, I think, of only one regiment of Europeans, three regiments of Sepoys, if I remember rightly, the 25th, the 12th, and the 1st, and some native cavalry; and it is, I think, most gratifying to know that there was no distinction in the exhibition of valour, between the Sepoy and the European; animated by the example of their officers, both Sepoy and European were exposed to the common danger, and showed an equal degree of courage and resolution. Sir, to the officers and men employed on that occasion it would be impossible to attribute too high praise; but, at the same time, justice requires that we should not overlook the great cause of the victory. It is in my opinion, mainly to be ascribed, both at Meeanee and Hyderabad, to the example set by the gallant Officer, who was responsible for the British army on those occasions. It is most fortunate that at such a crisis, and under circumstances of such difficulty, the command of the British army was committed to a man, one of three brothers, who have engrafted on the stem of an ancient and honourable lineage that personal nobility which is derived from unblemished private character, from the highest sense of personal honour, and from repeated proofs of valour in the field, which have made their name conspicuous in the records of their country. Sir, each of these three brothers learnt the art of war under an illustrious commander, during the whole of those memorable campaigns of which one of them has been the faithful, impartial, and eloquent historian —and the exploits of those three brothers during the whole of those campaigns entitle them to the gratitude of their country. In almost every action of the Peninsular war they gave proofs of great military skill and personal valour. In the actions of Corunna, of Busaco, of Ciudad Rodrigo, and during the operations of the Pyrenees, they proved that there was no British officer more prodigal of his blood in the cause of his country than was each of those brothers. Sir, the officer who commanded in the actions to which this notice refers, bears a name than which there is none more conspicuous in the bright pages which contain the records, whether in the military or the naval annals of this country, for desperate and successful valour. For if we read the account of some naval action, in which, in the course of five minutes, with a force wholly unable, unless directed with the utmost skill and valour, to compete with the enemy—if in the course of five minutes we find a signal victory achieved, by which the glories of St. Vincent are revived—a victory by the moral effect of which a dynasty is changed,—if we read

the records of such an action, we find the name of the commander there is Napier. Even in a more limited and circumscribed sphere of operation, when, in the course of last year, it became of the utmost importance to impress on a misguided multitude the inherent strength of the law and the civil power directed by a consciousness of right, and by consummate skill, the man who, accompanied by only six constables, attacked hundreds of people, and captured more of those opposed to him than the number of the men he commanded—I remark, with satisfaction, that the person who achieved that comparatively speaking, humble and yet most useful exploit, also bore the name of Napier. I am justified then in saying, that in the records of gallant exploits, whether civil, military, or naval, there is not one name which stands out more conspicuously than the name borne by the gallant Officer who commanded at Meeanee and Hyderabad. And, Sir, I believe that those who bear that name, stimulated by the examples of their predecessors, will continue to exhibit the same courage and resolution in great actions, and that the motto which they bear on their shields, "Ready, ay, ready," will be as it is, their motto, so also the characteristic of their conduct. Let the House recollect that when Sir Charles Napier was called on to take the command of the forces in Scinde he had attained the age of 62, and that his body had been shattered in the service of his country; and yet it is to his spirit—to the example which he set the troops—inspiring an unparalleled confidence in their commander, that we must mainly attribute the success of the actions of Meeanee and Hyderabad. The quality of actions, Sir, chiefly depends on the character of those who superintend them. The actions which have been performed by the members of the Napier family may appear foolhardy to the pusillanimous—they may appear the mere result of a lucky chance to the superficial; but however desperate they may appear when they are undertaken and superintended by ordinary minds, they are, nevertheless, reconcileable with the soberest calculations of prudence when directed by such men as Sir Charles Napier. Sir, there is one point I am desirous of adverting to, because I know if rashness could be imputed to Sir Charles Napier—if it could be imputed to him that he had needlessly led the British army into the conflict—no praise which we could bestow on his valour would compensate him for the painful reflections which such an imputation would give birth to in his mind. I think it is impossible for any one to peruse the papers relating to this question without coming to the conclusion that not only was that the wisest course which Sir Charles Napier could take—namely, that of at once encountering the enemy, but that if he had pursued any other course, the safety of the army would have been compromised. It is difficult to speculate as to what might have been the results if a different course had been taken; but if any man could entertain a doubt as to the policy of the course which Sir Charles Napier took in not suspending his march, in not permitting the Ameers to congregate, and in determining at once to bring his force of two thousand five hundred men into conflict with a force eight times the number, he would only ask such a man to read the account of what passed in the year 1839, at the time when Sir John Keane arrived from Bomb y at the mouth of the Indus. Do not speculate on what the Ameers would have done in 1843, if Sir Charles Napier had delayed his march or withdrawn his troops, but read the testimonies of what their conduct was in 1839, and I think you will say that Sir Charles Napier had no alternative but at once to front the danger which menaced him. In 1839, Lord Auckland having determined on advancing into Affghanistan, he sent a force from Bombay, under the command of Sir John Keane, for the purpose of entering upon some negotiations with the Ameers, and of making Scinde the basis of his military operations. Lord Auckland, in describing the operations of Sir John Keane, gave this account of the conduct and intentions of the Ameers:—The Bombay division, under the command of Sir John Keane, landed at the Hujamsee mouth of the Indus in the early days of December, and Lord Auckland, writing in March, 1839, says:—

"No resistance was offered to its disembarkation, but from the date of its arrival every artifice was resorted to to thwart and impede its movements, notwithstanding the most fulsome professions of friendship and devotion."

They (the Ameers), says Lord Auckland, professed the utmost devotion, yet he says that they were at the same moment "making every preparation for hostilities, and that they endeavoured to see

what good they could derive from a system of feigned confidence and violent menace." The Ameers then took with respect to Sir John Keane the same course which they afterwards took with respect to Sir Charles Napier:—

"Communications, Lord Auckland continues, were cut off—letters seized—boatmen and other workpeople threatened—and every appearance of intended open hostility exhibited."

On the 24th January, 1839, Sir John Keane writes:—

"I have in former communications stated to you that Scinde has all along been considered a light affair, as it might be called a secondary consideration; as relating to the campaign, so near as I can judge at this hour, it assumes a different aspect, and takes a first place in the operations of the army."

Again, immediately after he writes:—

"Things have come to a crisis in Lower Scinde; the gentlemen of the residency have been obliged to leave Hyderabad, and are now in my camp."

I ask you also, continued the right hon. Baronet to read the account which Lieut. Eastwick gives of the menaces directed against him. There is no saying what the consequences might have been if he had remained at Hyderabad. He retired, and if he had not been prudent enough to retire, he would have been exposed to the same attacks as that gallant officer Major Outram was afterwards subjected to. Lieutenant Eastwick, in his account of the negotiations states, that

"On the 20th January, the treaty was given to the Ameers; on the 21st January, the Ameers desired the meeting should be postponed to the 22nd. On the 22nd the Ameers said they could not on that day give an explicit answer; they would not say whether they would accept the treaty or not. On the 23rd hordes of troops surrounded the city, and the reply of the Ameers was that the treaty should be sent back, for that they would not sign."

The proceedings of the Ameers, in 1839, were exactly similar to those of 1843. They made fulsome professions of friendship and devotion—they asked you to postpone the negotiations from day to day—they pretended to wish for further time for consideration, but every hour they were collecting their forces. At their request four days were allowed to elapse. When their preparations were completed what was their answer?

"The treaty could not now be signed—the embassy might go or stay as they pleased, but they (the Ameers) could give them no pledge of safety, having no control over the Beloochees."

So Sir John Keane says:—

"The whole country in front and in rear of us is now aroused and under arms to exterminate us if they can. Troops are flocking in from all directions to the capital. Let a brigade of infantry, two regiments of cavalry, and a troop of horse artillery be sent down as soon as possible."

Why did not the Ameers attack the British army?

"Because Sir Willoughby Cotton having received authentic intelligence of the imminent hazard of a rupture in Lower Scinde, marched two brigades of infantry, one brigade of cavalry, and a large force of artillery down the east bank of the Indus in the direction of Hyderabad. The troops of Shah Shoojah had been sent to occupy Sukanna, a town from which the Beloochee soldiery had been drafted to support the Ameers of Hyderabad."

Sir John Keane, who was on the opposite bank, wished to take that course which Sir Charles Napier afterwards took, of making an attack at once. On the 30th of January Sir Henry Pottinger, finding himself supported by such a force, told the Ameers he could now make no abatement in the terms which had been proffered; but if they still refused, if a gun or a matchlock were fired, their whole country would be seized, and that they themselves would be dispossessed of power. When the Ameers found that four or five brigades of British troops were close upon them they signified, on the 1st of February, their readiness to submit to the terms. If, however, there had then been only a force of 2,000 or 2500 men, depend upon it the Ameers, notwithstanding their professions of friendship, would have attacked our troops. Sir Charles Napier was not in the condition in which Sir John Keane and Sir Willoughby Cotton were. He had not 8000 or 10,000 men under his command, but only a limited force of 2,500 men to oppose to the forces of the Ameers. My opinion is, that if he had delayed one day longer; if he had attempted to retreat; if he had not taken that course which his wisdom combined with his skill had dictated him to take, not one day would have passed without his army being attacked and cut off; and though the glory of the British arms would not have been

tarnished by such a result, still, following upon the disaster which occurred to us at Cabul, it would have produced the most serious consequences. In estimating the conduct of Sir Charles Napier, I do not think the chief praise is due to his military skill—I do not think it is due even to his personal valour; but I do think it is due to him for the course which he took, and his opposition to those who advised a postponement of hostilities, in at once engaging the enemy. Having pondered on the consequences of retreat—knowing the shock which our Indian empire would sustain by a repetition of a disaster like that of Cabul—he, on his own responsibility, with less local knowledge than was possessed by many around him, had the moral courage to act in opposition to the advice he received, and committed that army and his own reputation to the fate of doubtful war. It is chiefly for that exhibition of moral courage that I think him entitled to the Thanks of the House. In detailing the action of Meeanee Sir Charles Napier writes as follows:—

"At one time, my lord, the courage and numbers of the enemy against the 22nd, 25th, and 12th regiments bore heavily in that part of the battle. There was no time to be lost, and I sent orders to the cavalry to force the right of the enemy's line. This order was very gallantly executed by the 9th Bengal Cavalry and the Scinde Horse; the details shall be afterwards stated, for the struggle on our right and centre was at that time so fierce that I could not go to the left."

That is the modest and becoming account of the reasons which prevented him from going to the left. He remained at the post of danger, feeling that the time was come when, whatever might be the consequences of his fall, the necessity for an example of personal devotion upon his part, by coming and sharing in the common danger, was so great that he could not retire from his position, and he was thus obliged to collect from others an account which he himself could not give. And there did that gallant man stand, I believe within ten or fifteen yards of the water-course where lay the whole force of the enemy, cheering on his troops by an example of personal valour, which made it impossible for any man in that army to resist its contagious influence, but compelled them all, like their gallant commander, to devote their lives to the service of their country. Sir, I think it is unnecessary for me to trouble the House with further details. I am asking them to place upon record their sense of the military services of the Army in Scinde and of its commander. I call upon them for no expression of opinion upon any other point connected with the operations in that country. But looking to what was achieved by them, looking to what was done by every man in that army on those two days, I think the House will be disposed to come to a unanimous resolution that for such exploits the Thanks of this House are justly due. With respect to some who were engaged in those battles, we must mingle with the expression of our gratitude to them an expression of deep sympathy with their relatives and friends. The dispatches of Sir C. Napier wisely and justly ascribe to individuals who fell on those occasions much of the merit of the victories that have been gained. He has left, I believe, an imperishable record of the exploits which they performed. It is almost impossible to lament deaths so glorious as some which took place in the course of those engagements. He speaks of one gallant officer in a manner which must, I think, if anything can, give consolation to his family and friends, and prove to them the highest consolation that could be offered to them under their affliction and distress. He says:—

"I have deeply to regret the loss of the brave and excellent Captain Garrett, of the 9th Light Cavalry, who fell honourably in the battle; and also the fall of Lieutenant Smith of the Bombay Artillery; with unsurpassed and desperate valour he galloped in front of his battery, and rode up upon the top of the nullah (filled with enemies) to see where his guns could bear with the greatest effect. Here the hero fell."

Sir, there can be no nobler inscription upon the tomb of that gallant officer than the words in which his commander has thus commemorated his services. Sir, with regard to these gallant men, I trust we shall now proceed to bestow upon them that highest reward which a grateful country can confer—that reward, of which it has with truth been said—

"The Senate's thanks, the *Gazette's* pompous tale,
With force resistless o'er the brave prevail."

That we shall allow you, Sir, as the organ of the nation's voice, to express to Sir Charles Napier, and to the Officers and the Men who served under his command—to the European and to the Sepoy—to the man of the highest and of the lowest

rank who shared in those days a common fate and are invested with a common glory—that to them all we shall convey through you, Sir, as our organ, the acknowledgment of the public gratitude. The right hon. Baronet concluded by moving

"That the Thanks of this House be given to Major-general Sir Charles Napier, Knight Grand Cross of the Most honourable Order of the Bath, for the eminent skill, energy, and gallantry displayed by him in the recent Military Operations in Scinde, particularly in the two decisive battles of Meeanee and Hyderabad."

Lord *J. Russell*: After the eloquent terms in which the right hon. Baronet has moved the Thanks of this House to Sir C. Napier and the gallant army under his command, I shall content myself with merely seconding that motion. I took occasion the other day, to state my opinion of the moral courage with which Sir C. Napier extricated himself from the perilous position in which he was placed. I need not now repeat that opinion. I cannot, however, help saying that, even those who may disapprove of a portion of his conduct, but with whom I do not agree—I cannot help saying, that even those hon. Members may, in my opinion, fitly render a tribute to the military skill, to the exalted courage, and to the persevering conduct of Sir C. Napier, and of the army under his command. It is eminently fortunate for this country, that at the age which Sir C. Napier has attained, he should have retained all the vigour and the energy of a young man; and there are few men, perhaps at the age of twenty or thirty, who would have shown so much energy as Sir C. Napier, united with his great military skill.

Viscount *Howick* could assure the House that it was with the most unfeigned regret he felt himself under the absolute necessity of interfering with that unanimity which the right hon. Baronet had called for from the House; but, painful as it might be to him to take that course, a sense of imperious duty compelled him to adopt it, and he was bound to state to the House the grounds upon which, in his opinion, they ought to withhold from Sir C. Napier the high honour which the right hon. Baronet had proposed that they should bestow upon him. It was, he repeated, most painful to him to take that course, because he could truly say, that the right hon. Baronet himself could not more admire than he did the military skill displayed by Sir C. Napier. He thought that in the short and decisive campaign in Scinde he had had an opportunity of showing some of the greatest qualities which could distinguish a military commander—prompt decision, energy, undaunted bravery, consummate military skill, and, above all, that power which particularly distinguished superior minds—the power of inspiring into all who served under his command a portion of the same spirit by which he was himself animated. All these praises he most cheerfully and most cordially concurred with the right hon. Baronet in attributing to Sir C. Napier; but it was utterly impossible for him to forget that, upon that occasion, Sir C. Napier had not been merely a general. The right hon. Baronet had said, that they had then nothing to do with the policy pursued. Now that might be truly said, if the Governor-general were responsible for all the measures that had been adopted, and if Sir C. Napier had merely been called upon to carry into effect a course of policy decided on by others. But the House would remember that such a statement was not quite consistent with the opinion which the right hon. Baronet himself had avowed, when he turned round and told them that it was not the great military skill which he most admired in Sir C. Napier. He maintained that on that occasion they had to do with a question of policy—that Sir C. Napier was not merely a general in Scinde—that he had powers given to him, and with those powers responsibility of a very peculiar kind. On looking to the papers, he perceived a letter to Sir C. Napier from the Governor-general, dated August 26, 1842, saying—

"Within the limits of your military command you will exercise entire authority over all political and civil officers."

And Major Outram was directed to lay before him, with "judicial accuracy," the case against the Ameers; and, on the case so admitted to him, Sir Charles Napier was to exercise his own judgment; he was informed, that the Governor-general was determined signally to punish the treachery of any ally, but at the same time this most proper caution was added, that—

"The Governor-general would not proceed in this course without the most ample and convincing evidence of the guilt of the persons accused. The Governor-general entirely relies on your sense of justice, and is convinced, that whatever report you may make

on the subject (after full investigation), will be such as he may safely act upon."

Accordingly, if we read through the papers, we should find that every step that was taken against the Ameers was virtually taken and determined on by Sir C. Napier. In most instances he acted at once on the discretionary authority given to him by the Governor-general, and even when he referred to the Governor-general, it was quite clear that the latter, being at a distance from the scene of action, saw only through the eyes of Sir C. Napier and supported him throughout. He therefore contended that Sir C. Napier stood in a different position from many military officers who had been thanked by that House. In the case, for instance, of Lord Keane, it had been perfectly consistent for those who disapproved of the Affghan expedition to join in the Vote of Thanks to his Lordship, because in that case there had been no discretion, no power whatever in Lord Keane to alter the course that had been adopted. The military operations had been resolved upon by the Governor-general; and Lord Keane had merely been called upon to give effect to that resolution. But with Sir C. Napier the case was far otherwise. He had been placed at the head of a large force; he had been desired to effect certain objects peaceably, if possible, and if not by force; having been placed in this situation, the policy which had been pursued was his policy, and he was equally responsible with the Governor-general for all that had taken place in Scinde. Now, such being the case, he was bound to say it appeared to him that it was utterly impossible that Sir C. Napier's military conduct should be judged of alone and apart from his conduct as a statesman and negotiator; his conduct should be regarded as a whole; and, taking it in that light, he was bound to say, that for one, he could not approve of it. He was, however, far from meaning to contend that Sir C. Napier ought, during the few days which preceded the battle of Meeanee, to have acted upon the advice of Major Outram. He entertained no such opinion; on the contrary, he confessed that he concurred in the opinion which the right hon. Baronet had again stated on that evening, and which had, on a former occasion, been expressed by hon. Members upon both sides of the House, that if at that time Sir Charles Napier had acted upon the opinion of Major Outram—if he had hesitated to advance and fight that battle; and if he had allowed the negotiations to be continued—if he had so done, it was his persuasion also, that in the situation in which Sir C. Napier was then placed, a great disaster would have been the consequence. So far he entirely concurred with the right hon. Baronet. But the question was, how had affairs been brought to that situation which rendered the battle necessary. He must say, that on reading over these papers, and giving to them a calm and impartial consideration, it was impossible for him to come to any other conclusion than that it was the arbitrary violence with which those unhappy princes had been treated which had brought affairs to that condition in which the battle became necessary. That was the conclusion at which he had arrived after calmly reviewing the whole series of transactions in that country from the time Sir C. Napier had assumed the direction of them; for he should observe in passing, that Lord Ellenborough's instructions had at first been marked by a fairness and moderation which they had not subsequently displayed. He was far from meaning to exempt the Ameers from all blame. He knew that they had behaved like all barbarous people, and especially like all barbarous people in the east. No doubt they had been guilty of treachery, of deceit, and of plotting against us. But he asked any dispassionate and impartial man, after having calmly read over all the papers that had been laid before them—he asked any such man to lay his hand on his heart, and then to deny that we had given them the first example of setting at nought, under frivolous pretences, the solemn engagements of treaties deliberately contracted, and that it was only when they found their interests most seriously threatened—when they believed they had no other mode of escaping, probably from ruin, or at all events from a summary and arbitrary confiscation of their property, that it was only then that collection of their troops against us had commenced. He confessed that that was the impression which the reading of those papers had made upon his mind after giving to them the calmest and most deliberate consideration in his power. And undoubtedly, he was greatly strengthened in that opinion by finding that those persons who had the best means of judging of the state of that country, concurred with him in the view which he had taken. When he found his opinion supported by Sir Henry Pottinger, by Major Outram, and by Lieutenant Eastwick, he could not doubt but that there must be good grounds for

entertaining that opinion. He found Lieutenant Eastwick in the speech which he had lately published—a speech which he thought equally creditable to him for the ability it displayed, and for the high tone of moral sentiment which was embodied in it—he said he found in that speech the following words in confirmation of his view of the question:—

"As an independent man, giving an independent opinion to the best of my humble judgment, I am bound to say that I consider his (meaning Sir C. Napier's) ignorance of the language, the manners, and the habits of the people with whom he had to deal—his want of experience in native character and political life in India, and, above all, his total want of sympathy with the unfortunate Ameers, were the main causes of the fatal result of these negotiations."

Such was the opinion of Lieutenant Eastwick, and he (Lord Howick) confessed that it was an opinion in which he entirely participated. At the same time, he was well aware, that the difficulty of forming a correct judgment upon questions of that kind was so great, especially to those who could not boast of being very conversant, as he confessed he was not, with eastern affairs—so much depended upon the degree of credit to be given to conflicting testimony, which he had no means of estimating—so much did he feel his incompetence to pronounce a decision upon a case like the one then before the House, that strengthened as his own opinion was—much as he condemned the course of proceeding in Scinde, still he should have hesitated to call upon the House to refuse the Vote of Thanks which had been proposed, if he thought that by doing so they would necessarily pronounce a judgment against Sir C. Napier, and against the course of policy which he had pursued. But he denied that such would be the result of their withholding the Vote of Thanks which the right hon. Baronet had proposed, because he was prepared to contend, that whatever might be their opinion on these transactions, they could not agree to a Vote of Thanks in the circumstances of the case, without violating an important and long recognised rule of policy. He maintained, that even if it were much clearer than he could admit it to be, that in all his dealings with these unhappy princes Sir C. Napier had respected the great principles of justice—if his policy were much less open to doubt, than it actually was, he maintained that even then there would be a valid objection to their agreeing to that vote under the circumstances of the case. Hon. Gentlemen might perhaps be surprised at the opinion he had thus expressed; but he thought he should render much more clear the nature of the objection which he took to the Vote under the circumstances under which it was asked, by referring to what had actually occurred upon another occasion. He believed it would be very generally admitted, that the battle of Navarino, considered merely as a feat of arms, was highly honourable to the British name—that the skill of the officers and of the men engaged upon that occasion had been most conspicuously displayed; and yet the Administration which held the reins of power, when Parliament met after that celebrated action, had not thought it fit, under the circumstances under which it had taken place, to propose any Vote of Thanks from that House. Their determination not to do so had been met with much disapprobation in various quarters; and amongst others, his right hon. Friend the Member for Nottingham, then Member for Westminster, had come forward and proposed that the House should vote its Thanks to Sir Edward Codrington and to his gallant companions in arms. The Government, however, opposed the motion, and Mr. Huskisson, then Secretary of State for the Colonial and War Departments, moved the previous question. After a lengthened debate, the motion of his right hon. Friend was withdrawn without a division. Now there was, he was aware, many distinctions to be drawn between that case and the present; but that which it was important to consider was, the grounds upon which the Vote of Thanks proposed by his right hon. Friend had been at that time opposed by the Government, and refused without a division by the House. The arguments against agreeing to that Vote, had been stated by Mr. Huskisson in a speech, the whole of which would be well worthy of the consideration of the House; but he would trouble the House only with two short extracts from it. Mr. Huskisson had said—

"That there never existed on the part of Government the smallest intention to propose the thanks of Parliament to the officers and men engaged in that affair. He would tell the hon. Member why such a thought could not enter into the mind of a prudent and sensible Minister. It was this:—we voted the thanks of Parliament for triumphs over our enemies—we voted them to mark our satisfaction, that in a conflict which we had foreseen and directed with a power against which we had declared war—the skill, and gallantry,

and zeal of our officers, had triumphed over the skill, and gallantry, and zeal of our enemies, and that they had maintained by that skill, gallantry, and zeal, the ancient superiority of our country above all others."

Again, Mr. Huskisson had thus expressed himself in another part of his speech on that occasion:—

"He did not doubt the gallantry nor dispute the discretion of Sir Edward Codrington, but he must say to the House, be cautious before you create a precedent of thanks for an event which grew out of an accident, lest officers, looking at the signal benefit conferred on them by receiving such thanks, should cherish too easy a disposition to create a precedent, and lest such accidents so created should lead to consequences which the country might long have reason to regret."*

Such was the opinion of Mr. Huskisson. The right hon. Baronet opposite followed him later in the debate, and urged very much the same line of argument, but dwelt more particularly on the importance of adhering rigidly to the rule of limiting these Votes to cases where war had formally been declared, and quoted several precedents in support of this opinion, amongst others, the case of the battle of Toulouse, in which the Thanks of the House were withheld from the Duke of Wellington, on the ground, that when the action was fought, the war had actually terminated, although the hostile commanders could not have been aware of that fact; and, therefore, as the war was no longer going on, the battle must be considered a misfortune, and not a subject demanding a Vote of Thanks on the part of the House to the commander in the action, and of the troops serving under him. The right hon. Baronet protested most strongly, and he had no doubt most sincerely, against the idea of being actuated by any party motive, or of intending to cast any reflection on the policy of the Cabinet which had preceded that to which he then belonged. The course taken by the Government had been imputed to their wish to cast a slur on the policy of Mr. Canning, and on the Treaty, which, in fact, led to the battle, the right hon. Baronet protested against this as a most unfounded imputation. He had no wish, he said, to question the brilliancy of the action in which Sir E. Codrington commanded, neither did he desire to cast any imputation on his discretion, or the manner in which he had fought the battle, nor did he say that he ought to have avoided the accident. He resisted the Vote simply on the importance of adhering to the general rule, that when war had not been declared, the Thanks of the House ought not to be given. He gave the right hon. Baronet the fullest credit for sincerity in making that statement, but he must be allowed to ask him whether that general rule was of less importance now than then? How was it, then, that he now came forward to propose this Vote of Thanks, when he found Sir C. Napier, in his dispatch of the 27th of December, stating,—

"War has not been declared, nor do I think it necessary to declare it."

When, on looking over these papers, he could find no trace of war having been declared, it did appear to him, that the present case fell most fitly and most completely within the rule laid down by the right hon. Baronet. [Sir *R. Peel*: the rule has been disregarded since the period referred to by the noble Lord.] He had no doubt, that the right hon. Baronet would be able to prove that the wholesome technical rule to which he had alluded had unfortunately been broken in upon of late years. But what he wished to show was, that an acquiescence in this Vote of Thanks would involve a violation, not merely of the technical rule, but of the salutary and important principle on which that technical rule was founded—a principle of policy, in his opinion, most wise and most becoming. What was the ground taken by Mr. Huskisson?

"Beware," he said, "how you give to officers in command of your fleets and armies the temptation of high honours for successes in cases of accidental encounters. Beware how you give them an expectation of high professional honours, lest you should bias their minds and render those encounters less unfrequent than they would otherwise be."

Such was the real substance of the argument of Mr. Huskisson, in which he entirely concurred. Not that he believed for a moment that any officer would deliberately engage in what he knew to be an unnecessary action, thus incurring the guilt of wanton bloodshed, merely for the purpose of obtaining honours for himself; but he knew that men's minds were so strangely constituted that, in doubtful and difficult cases, the best and wisest men were liable to be unconsciously biased and influenced by the promptings of self-interest and ambition—a fact borne out by all history and all experience. If, then, this principle was

* See Hansard, New Series, p. 392 & 397, Vol. xviii.

applicable to the case referred to by Mr. Huskisson, why was it not equally applicable to the present occasion? It was Sir Charles Napier who had to determine whether military operations should be undertaken or not. It depended on his conduct towards the Ameers whether a collision should happen. He had great military means at his disposal, with instructions if possible to obtain what was necessary for the honour and safety of the country without having recourse to arms. He trusted none of them were so enamoured of military glory—so intoxicated with success, as not deeply to regret that Sir C. Napier failed to accomplish his object by peaceable means. He trusted that all deplored, as a great calamity, even the brilliant victories of Meeanee and Hyderabad—brilliant as they were—when they thought upon the frightful bloodshed by which they were purchased, and that they all united in the wish, that what was really necessary could have been obtained without having this price to pay for it. But if so—if this were really the view they took of what had happened, let them so act on the present occasion as to render the recurrence of such calamities less probable. Let them look at the state of circumstances in India, and reflect that it had frequently in times past been found necessary, and that it was probable it often would be so in future in that part of our dominions, to entrust the conduct of negotiations to generals commanding large armies, instructed to obtain by pacific means, if possible, if not by force, objects considered essential for our safety or our interest. Could it be doubted, that a brave and enterprising general, conscious of high military talents, which he panted for an opportunity to display, surrounded by officers all animated by the same spirit, commanding a gallant and eager army, in which he placed implicit confidence; was it in human nature that such a man, placed in such circumstances, treating with oriental rulers with whom treachery, deceit, and procrastination were habitual, finding negotiations drawing out to an apparently interminable length — was it possible that such a man so circumstanced, should not feel a strong disposition to cut the Gordian knot of such interminable negotiations with the sword, rather than to await their disentanglement by patience and forbearance? Knowing the strong passion for military glory which burned in the breast of the soldier, could it be doubted that the position of a general so placed must be one of great difficulty and temptation, and that he must have a strong bias towards a recourse to arms. That bias it would be most unwise to encrease, by departing from the salutary rule hitherto adhered to, and holding out to a general placed in so trying a situation, the prospect of one of the highest professional honours, if failing in negotiations, he should prove successful in arms. The principle involved was precisely that maintained by Mr. Huskisson, he would, therefore, adopt his language, merely substituting the words "unsuccessful negotiations" for the word "accident," and say, be cautious how you create a precedent of thanking commanders in events growing out of unsuccessful negotiations, lest officers, looking at the signal benefit conferred on them by receiving such a Vote of Thanks, should cherish too easy a disposition to create such failures in negotiations, and thus lead to consequences which the country may long have to regret. He maintained, that the argument applied with increased force to the case under discussion; because the occurrence of such cases in Europe between the fleets of civilised powers was comparatively rare, while in India, where it was constantly necessary to intrust the conduct of negotiations to generals in the command of armies, such cases were, and were likely to continue, of frequent occurrence. He must confess, that this question derived additional importance from what passed on a former evening. The words which fell from the right hon. Baronet in the course of the debate which took place last week, made it peculiarly imperative on the House to beware how they did anything which would tend in the remotest degree to encourage for the future in India a system of unscrupulous aggrandisement. He alluded to the declaration of the right hon. Baronet opposite, which he had heard with no less concern than was at the time expressed by his noble Friend near him (Lord J. Russel), a declaration which the right hon. Baronet's explanation seemed to him to have left substantially unaltered, that there existed "an uncontrollable principle," the effect of which was the absorption by civilized states of their more barbarous neighbours; and that the laws of nations, such as they were in Europe, which, in his opinion, as in that of his noble Friend, were at least sufficiently lax, could not in practice be strictly observed in India. That was a doctrine against which he felt called upon most decidedly to protest. He certainly was not

before aware that the eternal rules of right and wrong depended on place and varied with latitude and longitude. He for one could not think that this "uncontrollable principle," as it was called, ought to be regarded with favour; nor did he find that they were in the habit of so regarding it, when appealed to by other nations as an excuse for their aggressions. He doubted whether this "uncontrollable principle" would be considered in this country a sufficient justification of the encroachments of Russia on her semi-barbarous neighbours, or of French conquest in Africa. He was inclined to think, that if the latter power, urged by this 'uncontrollable principle," should proceed by degrees to extend French dominion over the whole northern coast of Africa, the Cabinet of which the right hon. Baronet was at the head, would think themselves warranted in interfering. He repeated, therefore, that he protested against this doctrine which the right hon. Baronet had so incautiously promulgated—for he attributed it to nothing but want of caution on the part of the right hon. Baronet — a want of caution undoubtedly most unpardonable in his situation, and which, in his opinion, made it still more incumbent on the House, than it otherwise would have been, to beware how they departed from the old and recognised practice of Parliament in such cases, lest they should encourage a repetition of such scenes as those which had lately occurred in Scinde. He believed that by giving this Vote of Thanks, they would be teaching military and naval officers that when they are engaged in negotiations, if by their own conduct these negotiations should fail, and conflicts unfortunately result, they had only to succeed—they had only to display valour when the contest actually came, and that House and the country would not scrutinise with very close eyes the justice of the means by which that conflict was produced. He, for one, looked with feelings of anything but satisfaction even on those brilliant battles of Meanee and Hyderabad, brilliant as undoubtedly they were in a military point of view. He could not help fearing that in the eyes of the Almighty they were stained with the guilt of unnecessary and wanton bloodshed, and he believed that, if they thanked those by whom these battles were fought, a portion of that guilt would fall on their heads. At all events, even admitting that the past was beyond their power, the future, at least, was in some degree within their control. By withholding this Vote of Thanks, he believed, they had it in their power to read a great and useful moral lesson to those who in future might be entrusted with the command of our fleets and armies, and to those in whose hands were placed the destinies of India. These were the views and sentiments which he assured the House he had not lightly adopted, nor willingly obtruded on the House; for he had felt it a most painful task to state the reasons which had brought him to the conclusion that the present proposition ought not to receive the assent of the House. He must confess that it was not without great hesitation that he had made up his mind to abstain from taking that course which, following the precedent of Mr. Huskisson, he had originally proposed to himself— namely, to move the previous question, and take the sense of the House. Such was the course which he had in the first instance been inclined to adopt; and had he entertained the remotest hope of securing the concurrence of the House, he undoubtedly would have moved that amendment. Such, however, he knew was not the feeling of the majority; and, although he should not allow such a consideration to deter him from doing what he regarded as his duty, still he did not wish to provoke division upon a question on which it would be invidious to divide. He trusted, that by stating thus fully his sentiments, he had sufficiently discharged his own conscience; and, having done so, he left the matter in their hands without proposing any amendment.

Mr. *V. Smith* fully participated in the admiration which had been expressed at the valour and skill which had been displayed in the recent military achievements in Scinde. Those achievements could be best appreciated from the fact that our brave troops had fought one against ten, odds which were proverbial as a test of extraordinary prowess. Entertaining these sentiments in regard to the military exploits of our officers and soldiers, however, he felt bound to say that he agreed in the spirit of the principle laid down by his noble Friend who had just spoken. At the same time, he was glad that his noble Friend had not moved any amendment. The fact was, he believed that the blaze of martial glory which had attended the arms of Sir C. Napier and his gallant band had blinded the reason of many Gentlemen to the essential points in the diplomatic conduct of that gallant commander. If the political conduct of Sir C. Napier had been

mixed up in the Vote, he should certainly have felt it his duty to vote against it. This had not been done, however; although the right hon. Baronet had felt obliged to allude indirectly to the subject, which was so united with the military conduct, in the course of his speech. He was the more anxious on this subject on account of the dangerous and detestable principles laid down by the right hon. Baronet the other evening when an army of exercise was stationed at Gwalior, and the policy which seemed to be plotting there, threatened our Indian dominion with new events of the same kind. With regard to the subject immediately before the House, he must say that there was a public servant connected with these transactions to whom he thought justice had not been done by the House or the country. He alluded to Major Outram, and he was sorry the right hon. Baronet, who made this motion, and who, he was certain, must have admired the conduct of that gallant officer, had not, in the course of his speech, taken any opportunity of expressing such a sentiment. Looking at the papers, too, which had been laid before the House, he regretted to be obliged to observe that Major Outram had not been fairly dealt with in them. There were three grounds, generally, upon which he complained of the manner in which Major Outram had been treated in these papers. The first complaint he had was against the foot notes, very racy and familiar in their style, being produced appended to the reports of an inferior officer, that officer being a commissioner; and he believed that the Government greatly mistook the character of Sir Charles Napier if they thought he would have wished for their production. The second complaint was with regard to an important letter, inclosed in another, and which the writer wished should not be published without alteration; yet this letter had been published in its original form. The third was, that there were found in the letters of Sir C. Napier extracts, purporting to be from a letter of Major Outram, which did not appear when the letter itself was produced, but were, for reasons best known to the Government, excluded from that document when it was laid before the House in the first series of papers on the subject of these transactions. These three instances he charged as specific cases of interference, to the prejudice of Major Outram, in the production of the papers. And this injustice formed the ground which had induced him to express his feelings as to the conduct of that gallant officer, and his regret that his name had not somehow been introduced. He was aware that if Major Outram was to be regarded simply as a civil or a diplomatic agent, it would be, in point of form, improper to introduce his name in a Vote like the present. Still he thought a circumstance had occurred which the Government might have seized, as affording them an opportunity to express its sense to the House of the services performed by that gallant individual—he alluded to an exploit than which nothing more chivalrous or gallant had marked the services of the army in India, at Meanee, Hyderabad, or anywhere—viz., the defence by Major Outram, of the residency. The very high sense in which Sir C. Napier held that exploit was shown by one of his letters, in which he stated that it was his intention to write a book on the defence of outworks, and that he should deduce his evidence from the circumstances of the defence of the Hyderabad residency by Major Outram. No greater proof of the ability and skill displayed by that officer could be required. He thought that there was an opening for some deviation from the usual course in the present case. Far was it from his intention to undervalue the important services which had been performed by Sir C. Napier, or to detract from the consummate skill and ability which he had displayed throughout; but it must be remembered that Sir C. Napier had risked his life, and the lives of his soldiers, as soldiers ought to do, in war; but Major Outram risked his life in endeavouring to preserve peace, and by determining to act within the spirit of the instructions he had received; for if Major Outram had given notice that Roostum Khan was likely to be restored, he knew that the Ameers would have endeavoured to prevent the Beloochees, and war would have followed. Major Outram having his instructions, narrowed and limited as they were—much more so he must say then they ought to have been—properly refused to exceed them in the slightest degree, and by doing so, he incurred the greatest danger to himself. He thought, therefore, that Major Outram was entitled to the highest praise for having, in the execution of his orders, and in his desire to maintain peace, risked his own life in behalf of his country.

Sir *H. Hardinge* said, as it was not the intention of the noble Lord to divide the House, he should not interpose between what he hoped would be the unanimous

Vote of the House more than a few moments; but he could not avoid referring to some observations of the right hon. Gentleman who had just spoken, in which, in speaking of Major Outram's brilliant action in defending the residency, he had, he thought, furnished a complete answer to the assertion of the noble Lord the Member for Sunderland, that there had been no declaration of war to justify Sir Chas. Napier in the attack he made on the Ameers at Meanee. The attack on the residency was in itself a declaration of war, and not only a declaration of war, but the commencement of hostilities by the enemy. And, again, had not that battle resulted from the fact that several of the Ameers had combined to take part against Sir Charles Napier? As to there having been no actual declaration of war, he might refer to numerous cases in which hostilities had been commenced without any previous declaration of war, but in which the hostile acts of the enemy were so apparent, that there could be no doubt that war was intended; and could any man contend that Sir C. Napier, under the circumstances in which he found himself placed in regard to the force opposed to him, was not fully justified in the attack he made? The noble Lord had admitted, that the advice given by Major Outram previous to the battle of Meanee was wrong, and that Sir C. Napier had acted rightly in not following it, and agreeing in so much of what the noble Lord had stated, he must say, that Sir C. Napier had shown great moral courage and decision of character in determining, contrary to the advice of the political agent, to attack the Ameers. He was glad to hear that the noble Lord did not intend to divide the House against the Vote, and he was sure the noble Lord was sincere when he said it was with great pain he made the observations he had addressed to them; and believing this, he must say, that he had never heard a speech of the noble Lord's with greater pain, for if there was one man more than another who was distinguished for his humanity and generosity of spirit, that man was his friend Sir C. Napier. For several years of his life it had been his great pleasure and happiness to serve with that brave and gallant officer. A braver man did not exist—his courage was proverbial in the army—courage was the characteristic of his race, and in every action in which he had been engaged, he had come out of the field with honour. And as to the case which was now more especially under notice of the House, viz., the military exploits of Sir C. Napier in Scinde, it was that consummate ability with which he had devised his plan of operations, the skill with which his troops were brought into action, and the irresistible ardour and gallantry with which he carried out his plans, were points peculiarly deserving their attention; and as to those points, let them look to the opinions of the army he commanded, and they would find that there was not a man in it who did not attribute the success which had attended their arms to the master mind of their general. It was the feeling of every one, that but for him the battle would have been lost, and throughout the whole of these transactions Sir C. Napier had shown the very highest qualifications, both as a general and a soldier, sharing all the privations and all the dangers of the field and of the march; on the day of battle he was the first man in the saddle and the last man out of it; and though he was upwards of sixty-two years of age, it was mainly owing to the great skill, the indefatigable zeal, and the untiring courage of that extraordinary man, that he had been able to accomplish and bring to a successful and brilliant result a series of operations which might have been found too difficult for many a younger man. When at Emaum Ghur after a forced march, he himself placed two pieces of artillery in a position to act against the fortress, an act which would require the exertions of a young man of great physical strength. It showed, that he was capable of almost any effort. Sir Charles Napier knew from experience that if he failed to deprive the enemy of that resource the Ameers might have gone into the Desert, when they could have defied the British power, and if he had delayed many hours longer in his attack, he knew also, that he should not be able to accomplish it at all. The conduct, therefore, of Sir C. Napier, in every instance in which it could be brought before the public, reflected upon that gallant officer, the highest credit in a military point of view. Then the humane and generous feelings with which he was actuated, were sufficiently apparent in his despatches.

"It gives me great satisfaction, (said Sir C. Napier), to say that some prisoners have been taken; and, though the number is small, it is still some advance towards a civilised mode of warfare; for I cannot help thinking that the desperate resistance generally made by wounded Beloochees has arisen from their own sys-

tem of warfare, which admits of no quarter being given in action. We are at present employed in collecting the wounded Beloochees within our reach, in order to give them medical assistance."

This was the way in which Sir Charles Napier, combined with great courage and consummate military skill, all the attributes of a Christian general. With reference to the attack at Meanee, he thought that officer, having the safety and honour of the entire army to maintain, his deciding to attack the enemy against the advice of Major Outram, was one of the brightest features in the whole transaction. Had he delayed the attack but a few hours, it is probable he would have been surrounded by a force twice as great as that he had then to contend with; and there was also this distinction between the two actions—that of Meanee and that of Hyderabad—as showing that in respect to the first not an hour was to be lost—viz., that in that Sir C. Napier had not 2,800, as had been stated, but scarcely 2,300 men under his command; while at Hyderabad he was strengthened by reinforcements from Bombay and from Sukkur, and knowing that he had 5,000 men in the field, he could afford to wait and encourage the enemy to approach almost to his encampment, for he knew that by that means he would draw them from their position, and, by making the victory more complete, in all probability at once terminate the war. Under all the circumstances—looking at the brilliant manner in which Sir Charles Napier had distinguished himself on every occasion—whether acting as general officer in Scinde, or in earlier life in a subordinate capacity—he would say that there was no man who more richly deserved the approbation and thanks of that House and of his country. It was impossible to say what new fortune might attend that distinguished and gallant officer, or what new services he might be called on to perform, surrounded as he was by great difficulties, from the nature of the country in which he was engaged, and more especially from the nature of the climate; but possessing the confidence of Lord Ellenborough, the Governor-general, the confidence of his army, and animated by the unanimous Vote of Thanks which that House was about to confer upon him, he was sure that the honour and safety of the army could not be placed in more able or better hands.

Mr. *Mangles*, in the few observations which he felt it to be his duty to address to the House, should confine himself to those points in Sir Charles Napier's conduct which, looking at the papers on the table, seemed to require some explanation. It had been stated, in the course of the debate on Thursday last, that Sir Charles Napier had acted in strict accordance with the instructions he had received from the Governor-general; that he had been merely the instrument of Lord Ellenborough; and if this had been so, the Vote of Thanks being confined to the military conduct of the General,—he should certainly not have opposed that Vote. But that could not be considered as the true state of the case; for the papers on the table—from which alone the House could judge—showed, as it appeared to him, that the line of policy taken by Sir C. Napier in one most important particular, had not received the previous sanction of the Governor-general, and had, in fact, nothing to do with British interests; and to that line of policy was to be attributed the war which had taken place, and what he feared would be its fatal consequences. The hon. Gentleman, the Secretary of the Board of Control, had said, during the recent debate, that there had been no remonstrance made by the Ameers against the terms of the Treaty between them and the Government of India, and that they had not protested against any demand made by the Governor-general under that Treaty to protect British interests. And this was true. Then, what had occasioned the war and the battles for which the House had now to give Thanks? It was the policy which had been undertaken by Sir C. Napier without previous authority from Lord Ellenborongh, though that policy was afterwards confirmed by Lord Ellenborough's approbation. It was easy to prove that the war did not result from any of the demands embodied in the Treaty. In page 503 of the first Blue Book, they found Major Outram's account of the conference that took place, and there it appeared

"That the Ameers denied the charges on which the new Treaty was imposed, but still (said they) we will subscribe it and the Ameers of Upper Scinde will also subscribe to it, on one condition—i. e., that Meer Roostum be restored to his rights."

And on the following day, a long discussion took place between Major Outram and the Ameers, not as to the terms of the Treaty, but on the subject of Meer Roostum's restoration (the Beloochees having in

the meantime assumed a threatening attitude.) The Ameers on that occasion urged—

"At least give us some pledge that justice shall be done, by which the Ameers may endeavour to allay the excitement of the people, and persuade them to disperse—we fear it will be impossible, but their Highnesses will try once more, if you will authorize them to hold out hopes of the ultimate restoration of their lands which have been made over to Ali Moorad."

And then they asked that the Khyrpore Ameers might be allowed to settle their own affairs with Ali Moorad, without the interference of the British resident. It was shown clearly by the papers, that the outbreak eventually took place because the Ameers had not been able to satisfy their troops upon this point; and he could prove, that Sir C. Napier had no previous authority from Lord Ellenborough to urge that point, and that he had done so on his own responsibility. The war resulted solely on account of the transfer of the turban, or chiefship among the chiefs of Upper Scinde from Meer Roostum to Ali Moorad. This was Sir C. Napier's doing. In No. 409, page 478, Sir Charles writes—

"I had a secret message from Meer Roostum. The bearer had an open letter in the usual unmeaning style of the Durbar; but the messenger privately informed Lieutenant Brown that Roostum could do nothing, and would escape to my camp. I did not like this, as it would have embarrassed me very much how to act; but the idea struck me at once that he might go to Ali Moorad, who might induce him as (a family arrangement) to resign the turban to him (Ali Moorad), especially as Roostum has long been desirous of getting rid of this charge of the Talpoors. I therefore secretly wrote to Roostum and Ali Moorad, and about one o'clock this morning I had an express from Ali Moorad, to say that his brother is safe with him."

He was, however, at a loss to see how it could have embarrassed the gallant General that this principal chief of his opponents should fly to his camp, provided the gallant officer wished to avoid war. In page 483, in writing to the Governor-general he said further:—

"This conviction opened upon me a system, which appears the only one to follow—making the chief powerful, and holding him under the power of the Government. This made me venture to promise Ali Moorad your Lordship's support in having the turban, which your Lordship has approved of. The next step was to secure him the exercise of its power now, even during his brother's life. This I was so fortunate to succeed in, by persuading Meer Roostum to place himself in Ali Moorad's hands."

From these passages, and others which he might quote, (the House would mark the word "persuading" in the last extract), it was quite apparent that it was by the advice of Sir Charles Napier himself that Meer Roostum had placed himself in his brother's hands. There was also another series of declarations, equally clear, made by the gallant General, in which he denied that he had advised the old man, as he called him, to place himself in his brother's hands, and the discrepancy between the two statements he was most anxious to have cleared up; for until it was so he did not see how he could consent to this Vote of Thanks. In page 32 of the Blue book, Sir C. Napier, in writing to Major Outram, said—

"Roostum's plea of being sent to Ali Moorad by me is a shallow affair. He went contrary to my advice, and now wants to make out that he acted by it."

And in page 29 of the same book, in a note to a letter of Major Outram's in reference to the transfer of the province of Upper Scinde, Sir C. Napier remarked—"It was the positive act of Meer Roostum, without my connivance or even knowledge till it was done," though he had actually, as stated in other papers, advised him to surrender the turban. Again, in page 20, they would find the following note—

"1. The giving lands to the turban was an act of the Talpoor family's own doing; we had no hand in this division, or in the transfer of the turban."

These statements the House would see were directly opposite to the former extracts he had quoted from the correspondence of the same gallant officer in reference to the transfer of the turban. Then as to the flight of Meer Roostum, there were equal inconsistencies in Sir C. Napier's despatches. In page 485 of the old book, in communicating to the Governor-general that Meer Roostum had fled, it was stated—

"And now, my Lord, I have to tell you that Meer Roostum has decamped yesterday morning. I met Ali Moorad the night before, and desired him to say that I would pay my respects to his highness the next day, and the next day I heard of his flight, I can only account for this in one of two ways.

"1. Meer Roostum, who is a timid man, and has all along fancied that I want to make him prisoner, believed that the time for this

step had arrived, and that his brother and I were about to execute our conspiracy against him, or,

"2. That Ali Moorad drove his brother to this step. Meer Roostum had resigned the turban to his brother Ali in the most formal manner, writing his resignation in the Koran."

This communication was dated December 29; and again on the 17th of January Sir C. Napier, writing to the Governor-general, stated—

"That the old man, Meer Roostum, (who it seems had been persuaded by Ali Moorad that I meant to imprison him for life, and who was perfectly exhausted by his flight), might return to Khyrpore, and live anywhere he pleased as a simple Ameer."

In both those communications it was asserted, as no doubt, was the case, that Meer Roostum had fled, from the fear of the treatment he might experience from Sir C. Napier, whose disposition and intentions towards him had been misrepresented by his brother Ali Moorad, where all aim was to terrify him out of his privileges and power as the principal chief of Upper Scinde. He would now turn the attention of the House to Sir C. Napier's proclamation on the flight of the old man, which would be found in pages 6 and 7 of the new book; and it was to be remarked that that proclamation was issued on the 1st of January, between the dates of the two letters from which he had quoted.

"Camp, near Khyrpore, Jan. 1, 1843.

"Ameers, and People of Scinde,

"His Highness the Ameer Roostum Khan sent a secret messenger to me to say, that he was in the hands of his family, and could not act as his feelings of friendship for the English nation prompted him to do, and that if I would receive him he would escape and come to my camp. I answered his highness that I would certainly receive him, but that my advice was for him to consult with his brother, the Ameer Ali Moorad Khan. He took my advice; he went to the fort of Dejee to his brother. When I heard of this I was glad, for I thought that Scinde would be tranquil; that his highness would spend his last days in honour and in peace. I moved with my troops towards Khyrpore to force his violent family to disperse the wild bands that they had collected. I sent his highness word that I should visit him; I wanted to ask his advice as to the arrangements for the new treaty. I thought that he had again become the friend of the Government that I serve. That night I heard that he had solemnly conferred upon his brother, the Ameer Ali Moorad, the turban of command over the Talpoor family, which brother is their heir to that honour. I thought this a very wise proceeding, and it added to my desire to meet his highness that I might hear from his own lips all these things, and report the same to the Governor-general, being assured that these acts of his highness would recover for him the good opinion and friendship of the Governor-general of India. My feelings towards his highness were those of friendship, honour, and peace. I even advised his highness's brother, the Ameer Ali Moorad, not to accept the turban; but to assist his brother, the chief, in the care of government. I laboured for the honour of the Talpoor family. What then was my astonishment to find that, when I expected to meet the Ameer Roostum Khan, I heard that his highness had departed from the roof of his brother; thus insulting and defying the Governor-general, whose commander I am. But my surprise is greatly increased by hearing that his highness has joined his family with their armed bands, who have cut off our communications, and stopped our mails. These things have surprised me, but my course is plain, and thus I publish it to the country that all may know it, and conduct themselves accordingly. I will, according to the existing treaty, protect the chief, Ameer Ali Moorad, in his rights, as the justly constituted chieftain of the Talpoor family. God willing, I mean to march into the Desert. I will disperse the armed bands that have stopped our mails. I will place the killadars of the chief, Ali Moorad, in command of every fort, and I will act towards the Ameers of Hyderabad as I shall find their conduct may deserve."

It was his (Mr. Mangles's) opinion that without resorting to war the Ameers would—not willingly perhaps—but that under the fear of the approach of our superior force they would have submitted to the whole of our demands; and, therefore, that the war might have been avoided. It was his opinion also that it was the conduct of Sir Charles Napier that brought matters to that crisis at which war was inevitable, to that crisis from which his genius and valour extricated himself and his troops; and, therefore, unless it could be shown that that officer had not done this, and that the negotiations on the points of difference could not have been brought to a successful issue, except by cutting the Gordian knot with the sword, he should feel it to be his duty to vote against the motion of the right hon. Baronet.

Sir *H. Douglas* thought that the speech of the right hon. Baronet, and the response of the noble Lord, the Member for London, ought to have induced the passing of this Vote of Thanks unanimously, and by acclamation, in which case, he (Sir H. Douglas) would not have trespassed on the time of the House. Sir C. Napier

and himself were old comrades. They had been long connected by professional relations as well as private friendship, and although he regretted, that the noble Lord, the Member for Sunderland, did not intend a division, he should have thought it his duty to throw out observations to depreciate the value of the Vote in the estimation of the gallant officer for whom it was designed. He wished to make a few remarks on the speech of the noble Lord, as well as that of the hon. Gentlemen who spoke last. The House should remember, that Sir Charles Napier did not take charge of the army in Scinde until the 17th of October, and that when his position was considered, it would be most unfair to entangle him with any transactions which had previously taken place. It was not for him (Sir C. Napier) to discuss the policy of the Treaty of 1839, when his duty was of a different nature, but at all events, it was clear, that by the Treaty of 1839 the confederacy of the Ameers was virtually dissolved. That Treaty divided the great drama which was before the House into two periods, one period including the operations before the Treaty, and the other embracing those operations which took place subsequently to it. Sir Charles Napier was sent at the head of the troops into Scinde, to carry into effect, and if necessary, to enforce that Treaty. He had accordingly a conference with the Ameers on assuming the command of the army, and reported after that conference, that the Ameers were not acting loyally—that they had been guilty of several violations of the Articles of the Treaty. The duty of enforcing the observance of the Treaty, if such a course were found to be necessary, was the justification of the line of conduct which he (Sir C. Napier) subsequently adopted; and in fact, he would, in the discharge of that duty, have been justified by the mere circumstance of the Ameers having confederated in violation and defiance of the Treaty to attack and disperse them. Having shown that Sir Charles Napier was justified in the line of conduct which he had adopted by the Treaty of 1839, he (Sir H. Douglas) should add his testimony, as a military man, to the gallant achievements of Sir Charles Napier. If that gallant officer had acted upon the advice of Major Outram, and delayed his operations for a longer time, the result must have been most disastrous. He had already delayed his operations for three days — he saw that the object of the Ameers was to gain time, and add to their military force, and he accordingly refused to agree to the repeated solicitations of Major Outram for any further delay. So plainly did Sir Charles Napier see the designs of the Ameers, and so well did he understand the difficulties in which Major Outram himself would be placed by those designs, that although Major Outram continued to assure Sir Charles Napier that he (Major Outram) was in no danger, yet the gallant officer furnished him with men, a company of the gallant 22nd, to defend the British residency. Subsequent events proved how correct the views of Sir Charles Napier were, for Major Outram, in a few days after, wrote a letter on board the Phœnix steamer, stating, that notwithstanding his former opinions of the Ameers, their highnesses had commenced hostilities by attacking and driving him out of his residency. He (Sir H. Douglas) was of opinion, that Major Outram deserved the highest character for the bravery and skill with which he defended himself when he was attacked—Major Outram made a splendid defence of the residency; but passing from the military to the civil conduct of those proceedings, he should repeat, that grateful and thankful should we be that Sir Charles Napier had the moral courage of not acting upon the advice of Major Outram. If Sir Charles Napier had taken a different course, there might have been, instead of that brilliant victory, a repetition of those calamities which had befallen another of our armies. He (Sir H. Douglas) hoped he might be permitted to bear this testimony as a military man to the character of the gallant General, of whom he had been an old associate, and in whom he had long since perceived those high qualities which justified him in anticipating, that whenever the fitting opportunity occurred, his career would be one of no ordinary description. At the first of those actions to which reference had been so often made, the gallant General had no means of securing a reserve, for every bayonet he had was required for the action, so that he could not make that provision of a reserve for any disaster, and under those circumstances the formation of his force was such as to secure for them all the advantages which could be derived from the most enlightened mili-

tary skill. The mode in which he formed his force and gained that victory was most scientific — the combinations perfect; he opened with a destructive fire of artillery, bringing up his infantry immediately into a desperate conflict, and then supporting those movements with his cavalry. Such was the valour of his enemies, and such their numbers, that if Sir Charles Napier had adopted any system of operations which would have enabled the barbarians in his front to stand against him for any time—if he had not shaken them at first by his artillery, and followed it up with a charge of cavalry, the results might have been very different indeed. Meeanee and Hyderabad were most brilliant victories, such as were not exceeded in the valour or skill displayed by the actions of the gallant Clive, when he laid the foundation of our political and military power in India. The services of Sir Charles Napier would not be outshone by the Cornwallises the Moiras, the Wellesleys—nay, they would bear comparison with the achievements of the "hero of a hundred fights" himself. In three-quarters of a century the military prowess of England raised up and secured that empire which now contains 100,000,000 of inhabitants, of an extent as great as from Sicily to Smolensko, and which, in breadth, forms a considerable portion of the quadrant of the earth. That mighty empire has been raised within a hundred years by military prowess. He forbore to go into the policy in which these proceedings originated, but he should remark that neither the enterprise nor the industry of England could have secured that empire if it had not been for British force and valour. Thus has the British empire been raised, thus only can it be maintained. The recent brilliant achievements of Sir Charles Napier secured our power in that part of the world, and in the manner in which those operations were conducted, they would bear comparison even with the achievements of the "hero of the hundred fights" in that country.

Mr. *Hawes* without entering into the question of the general policy pursued respecting Scinde, would follow the example of his noble Friend near him, in not shrinking from expressing to the House and to the country his feelings with respect to the motion for a Vote of Thanks to Sir Charles Napier. He undertook to say, that for this Vote of Thanks there was no precedent. At the time that Scinde was invaded we were not at war. There had been no declaration of war. We committed the first aggression. Our attack upon a fort in Scinde was the first act of open aggression. In disapproving of these actions he did not wish to detract from the military merit of Sir Chas. Napier; and if he thought that he was called upon merely to agree in a Vote of Thanks to him as an officer for purely military exploits, he would have no hesitation in agreeing to such a Vote. But it must be recollected, that Sir Charles Napier had been invested with supreme authority in Scinde. The country had been placed entirely under military control, and Sir C. Napier made responsible for any act committed under his orders. The diplomatic agents, whose opinions and advice usually had some influence with military men, had been all removed, and Major Outram was placed entirely under the command of Sir Charles Napier. He thought, that upon looking at the course pursued by Major Outram, if his advice had been acted upon, the battles of Hyderabad and Meeanee would never have been fought. It was no defence for Sir Charles Napier to say, that when he was placed in a certain position, it was necessary to fight. The question was, how he came into that situation. Under all the circumstances of the case, he considered that Sir Charles Napier must be measured in reference to his political as well as to his military policy; and he thought it would be a dangerous precedent were the House to pass a Vote of Thanks to a military man, who, having under him the entire civil as well as military command, might place his troops in such a situation that fighting became inevitable, and who, in doing so, could not but feel that he was placed in this position—that he would receive no Vote of Thanks for pursuing a peaceful policy; if, however, he commenced a war, and brought it to a successful termination he would receive the highest honour that House could confer on him. He thought the House was becoming too prone to confer Thanks for military services. Formerly it was usual only to confer that honour upon the conductor of a series of operations extending over many years, but more latterly it had been the custom to vote the Thanks of the House to the achievers of single exploits—a practice, as

he thought, in some measure tending to diminish the value of the honour. He repeated, that in Sir C. Napier's case, his military could not be separated from his civil policy. From the correspondence before the House, he believed, that it had been the intention of Sir C. Napier to carry on the negotiations by force. On the 17th of October, 1842, he found him writing to the Governor-general in the following terms :—

"Several Ameers have broken the Treaty in various instances stated in the accompanying 'return of complaints' against them. I have maintained that we want only a fair pretext to coerce the Ameers, and I think the various acts recorded in the return give abundant reason," &c.

Here, then, it was assumed, that because the Ameers had violated a Treaty (which we had been the first to break) we were justified in looking for a pretext to coerce them. If the House of Commons sanctioned a Vote of Thanks upon these grounds, he thought they would be sanctioning a very dangerous principle—that of a commander-in-chief setting aside the ordinary means of diplomacy, and resorting to the sword, and would be giving a dangerous pre-eminence to ideas of war and blood in preference to those of a more mild and peaceful policy. He found it also stated in the instructions drawn up for the guidance of Major Outram by Sir Charles Napier, that the question he was to urge to the Ameers was whether or not they would accept of the Treaty ; as in case they did not assent, the army would immediately advance. Was not this a rather unusual course in diplomacy—this entering the country of an ally who had committed no aggression against us—this placing our negotiator in the shape of a general officer, and telling him to say, "Accept or not : if you refuse, our army shall advance?" Was any exploit, however brilliant in a military point of view, to sanction such a course of procedure, a course which would enable any future Governor-general of India to set aside every political agent and make every question turn on the power of our arms? Under the impression, therefore, that Sir Charles Napier had forced on the war which had occasioned the actions for which they were called upon to thank him, and that any such Vote would be a dangerous precedent to sanction, he would conclude by expressing his concurrence in the views of the noble Lord (Viscount Howick) near him.

Sir *C. Napier* said, he rose under no ordinary feelings to return his thanks to the right hon. Baronet for the very eloquent manner in which he had brought forward the services of his gallant relative, and for the honour he had also done him, in having spoken of him in terms which he had no right to expect. The right hon. Baronet had mentioned the services of his gallant relative, beginning at the battle of Corunna, and following up the whole with his services in Scinde ; but he was ignorant of some other services which his gallant relative had also performed, and he hoped the House would permit him to mention them, as they were to the honour and credit of that gallant officer. At the battle of Corunna it was perfectly notorious, that whilst leading on the 50th regiment in the front of the battle, the great general under whom he was brought up, Sir John Moore, said to Napier and his friend Major Stanhope, "Well done, my majors!" The very expression of "my majors" would have stamped them as heroes at once. At the head of his regiment Napier advanced—it was the first time he had seen an action, or heard the fire of an enemy in his life—he advanced at the head of his men, leading them on with the greatest possible coolness. Something occurred to impede them—he was surrounded by French troops—received a cut on the head with a sabre—was stabbed in the back with a bayonet—a bullet went through his leg, and two of his ribs were broken by a cannon-ball. "I think (said the gallant Officer) that was a dose enough to settle any man." He was taken to the quarters of those distinguished officers, Marshals Ney and Soult, and nursed, and afterwards they restored him to his family, even without an exchange, and he was sure, that no man in England or France would rejoice more than Marshal Soult, when he heard of the glorious conduct of Major Napier. When he returned to England, his regiment was in Spain under the Duke of Wellington, he obtained permission to go out as an amateur, and was present at the battle of the Passage of the Coa. At the battle of Busaco he was present—he himself was also there as an amateur, and he could not do better than follow the steps of that great man ; and his relative in that engagement was shot through the nose, and the ball fell

into his jaw—he sank back into his (Sir C. Napier's) arms, and he carried him off the field. He was as brave a man and possessed of as heroic courage as any man that existed in the present day. He remembered, that at the battle of Busaco, Napier was dressed in the red uniform of his regiment—the coat of his staff was blue—he was with the staff—and he (Commodore Napier) cautioned him that he was in a bad position. "Either you or I shall be shot; put on your cloak," he said. "No," was the answer, "I am in the uniform of my regiment, and in it I will stand or fall." He had hardly uttered these words before he was struck. When going off the field, he met the Duke of Wellington; and, though the body was weak, the soldier's mind was firm. He took off his hat, cheered the Duke as he passed, and said, "I cannot die at a better moment." He held him whilst the ball was extracted from his jaw, and though he kicked, he uttered not a word. [*Laughter*] That might set the House in a laugh, but it had not that effect upon him. After his gallant friend recovered from his wound, the next battle he was in was that of Fuentes d'Onor; then he escaped for once. He then appeared at Cordova—his two brothers were wounded, but he escaped; he received promotion; and his next services were under that great admiral, Sir George Cockburn, off the coast of Spain, when, though there was no regular fighting, as in the rest of Spain, yet very extraordinary and gallant actions were performed. As a civil officer, his services in Cephalonia were a proof; and he fancied that no man had done more for the improvement of the island than Sir C. Napier did, during the time he was there. He did almost more than it was possible for any man to do in so short a time. In the next year he was commanding a district in the north of England, and he thought the noble Lord, who was then Secretary of State for the Home Department, would say, that Radical as his gallant relative was, and he acknowledged himself to be so to a very considerable extent, no man better conducted an army in any district of England, or kept that district more perfectly quiet, at that moment when difficulties were going on—difficulties that might have embarrassed the Government—than his gallant relative. Had he been on the side of the Government, his district could not have been kept more peaceable. They next found him in India, and the right hon. Baronet had so well described his conduct from the time he took the command, that it was necessary for him to say very little upon the subject. Still he hoped the House would excuse him for dwelling with pleasure and complacency upon the services his gallant relative had performed there, and the manner in which he had executed them. He believed that if any hon. Member read the blue-book then before the House, and looked into the whole of his relative's plans for seizing or surprising Emaum Ghur, he must admit, that the man who could plan all that and execute such an enterprise in a desert, with the loss, he believed, of only six camels, must be a man possessed of very great qualities indeed. They were not entering into the policy of Sir C. Napier and his operations then, he had nothing to do with that policy, but only with his conduct as a general officer commanding an army. If his policy were bad, try him for it, and punish him, if they pleased: but let his conduct as a general officer and that of every man in his army be thanked by every man in that House. He thought it petty, and was sorry the noble Lord had taken the opportunity, not indeed to throw blame upon his gallant relative, but to stir a question against any officer who had performed his duty. The right hon. Baronet said, and said truly, that when the first account of Meeanee came home, Sir C. Napier stated that he had 2,800 men, and the enemy 20,000. The right hon. Baronet also said, that upon reflection and examination into the state of his army, Sir C. Napier found he had only 2,000 men; that might imply 2,000 bayonets, but he had it from his gallant relative himself, that he had 1,700 bayonets only, and that the whole of his army, with officers, amouuted only to 2,000 men. The army of the enemy was stated by him at 22,000 men. Since then another report had come from him stating it at 25,000, but he knew it was not less than 30,000. Whether they looked to ancient or modern times, was there a single instance in which an officer with such a small force had been able to overcome an army of such enormous magnitude as that he had described? and he was sure, that the right hon. Baronet would bear him out when he said, that an officer commanding

an army of 20,000 or 30,000 men, and overpowering a rabble of 200,000 or 300,000, would not be so extraordinary; but under the circumstances he was astonished that the 30,000 had not overcome Sir C. Napier's force, and driven them to —into the Indus. It was one of the most extraordinary things in history; he could not account for it. His gallant relative must himself have shown the most exemplary courage ever shown by man, and when he sent home, speaking of the Sepoys' behaviour in that gallant manner, and recommending a larger number of officers, and saying that the officers rallied their men, he said nothing of himself—he never said that he was the man who rallied the Sepoys when their ranks were broken. As an old naval officer, a friend of his, used to say, "Where the battle raged there was the chief." At Hyderabad he gained a victory with more facility—then he had 5,000 men, and the enemy 20,000. He had seen a letter from an officer, in which he spoke of his ascending one of the nullahs. The nullah he was in was forty feet broad and seventeen feet deep. His gallant friend rode his horse "Red Rover," and was the second who ascended; but he could not conceive how it was possible that should have been done. The excitement in the men carried even their horses through, and their exertions were even beyond hunting in Leicestershire. Had his gallant friend waited twenty hours longer to have made the attack, he would have been surrounded by 50,000 or 60,000 men. In the correspondence one of the Ameers admitted, that the same evening after the battle, there were 12,000 fresh troops in Hyderabad. That was a sufficient apology, he thought, for his friend in having fought when he did. He most unwillingly must make some observations upon what had fallen from the noble Lord on that side of the House; and he would commence by saying, that he entirely disagreed from him in the position he had taken. The noble Lord said, that the right hon. Baronet, in speaking of the services of Sir C. Napier, had turned off at once and said, that he must have been a diplomatist, because it appeared he corresponded with Major Outram, although he had not followed his advice. He approved as much of his relation's policy as he did of his fighting propensities. He believed it was perfectly clear that his gallant relative went to Scinde by orders from Lord Ellenborough, who gave him certain instructions. If he had not followed out those instructions properly, he presumed that Lord Ellenborough would have found fault with him; but from the blue-book it appeared that Lord Ellenborough entirely approved of his conduct. If, therefore, he was wrong, the blame must go upon Lord Ellenborough, certainly not upon his gallant relation. He believed the right hon. Baronet brought forward his motion to thank his gallant relative and his army for their fighting qualities—in fact, for having gained a great victory; and, whether right or not in his policy, he did not think the House of Commons at that moment had anything to do with it. It would have been wiser on the part of the noble Lord, had he restricted himself entirely to thanking his gallant friend and his army for their military qualities, reserving to himself, when any motion was brought forward on the policy of our conduct to the Ameers of Scinde, the opportunity of entering upon that subject. That was the proper course for the noble Lord, and he should have been happy had the noble Lord taken it. The noble Lord said, the Ameers plotted against us; but to what extent was plotting to go before an officer was to interfere? It was extremely difficult to define the line to which plotting might go without such interference. Were they to plot to cut throats before the troops were assembled? Where was the line to begin for punishment? The noble Lord brought forward Mr. Eastwick. Had that gentleman any command in Scinde, or any responsibility there? It was very easy, when the whole thing was over, to write a letter and say, "If Napier had done this, things would have been very different." If the whole of their throats had been cut, Mr. Eastwick might still have written a pamphlet, but would he have been brought to a Court-martial? Then the noble Lord spoke of the climate. He should like to know whether any general commanding an army could trust himself, for a single moment, knowing that in three or four days the climate would become so hot as to destroy an entire army? The noble Lord then stepped out of those arguments, and made a comparison between the battles of Hyderabad and Meeanee and that of Navarino, though he should like to know, in the name of God, what comparison there was between them? The noble

Lord referred to Navarino, and said there was no Vote of Thanks, because it was accidental. So it was. Sir E. Codrington went into Navarino, thinking he was doing perfectly right. There were ships of four or five different flags; the men were half disciplined, almost barbarians; an accident occurred; a musket was fired, and a general blaze took place. It was perfectly right, therefore, to say it was accidental, but where was the accident at Hyderabad or Meeanee? Was it on our side? Not at all. The Ameers attacked our residency, there was the accident—they came forward to sign the Treaty, and a number of Beloochees not under their control attacked the residency with a very strong force. Major Outram was obliged to retreat after defending himself in the most gallant manner, and arrived at the camp of Sir C. Napier. What was the gallant officer to do? Was he to stand still and look on? The only thing he had to do was to fight, and if he had not done so he ought to have been hanged. The noble Lord said there was no declaration of war; that was the fashion now—they had not declared war with China, and yet they had been fighting there for four or five years. Why was it? Perhaps the Chancellor of the Exchequer could tell—it was to get money into the Exchequer. But when the Beloochees attacked the residency was not that a declaration of war? If there had been a negotiation with France, and she had sent twenty or thirty steamers to Ireland, would that be a declaration of war or peace? He should think the hon. Gentleman would consider that a declaration of war, or something like it. He had no doubt, that if the noble Lord had been in that residency when it was attacked, he, as a political man, and understanding those things well, would have written to Sir C. Napier saying, "It's high time you should come here to defend me. I am attacked by 8,000 men, and eight pieces of artillery, having only 100 men; the shots are flying about my ears as thick as possible, and I really think its high time you should come and put an end to this business." The noble Lord said, that also great military means were in the power of the general. Great military means! 2,000 men, English and Sepoys, to do what?—to defend themselves against no less than 30,000 men; Great encouragement that for military amateurs! Could any man for a single moment believe that refusing a Vote of Thanks in the House of Commons to an officer who fought 30,000 men with 2,000 would get many amateurs?—after running the risk, too, of getting the whole of their throats cut? The noble Lord said, the general fought to disentangle a great Gordian knot of diplomacy, for that would have been the result of continuing the diplomacy. He said it was much more likely that it was to prevent getting their throats cut. The noble Lord, who urged the interposition of political agents, then said the thing could have been done well. Let them see how those things had been done for a great number of years. He had a right to go into that. He had been many years in Her Majesty's service, and he would just go back to Constantinople. They had a diplomatic agent there. A fleet was sent there, but it soon came away with its tail between its legs. Had we not had enough of them in Spain? Let the House read Sir J. Moore's account of the diplomatic agents. What was his opinion of them? Why, he said, "that they knew nothing, and that they did nothing but get the country into constant scrapes." They were half military men who had forgotten the use of the sword and taken up the pen, and did not know how to wield it. Look at the diplomatic agents in China and Affghanistan, and then in Scinde? What had they done in Scinde? Any man who took up the blue-book must say that the political agent was to blame,—that he was blinded by the ambition of the pen as by that of the sword. He (Sir C. Napier) said, it was a dangerous thing to mix the two together. He thought too the officers were of the same opinion. They trusted only to courage and valour, and they put an end to the war at once, sooner than the agents could by diplomacy. Those were his sentiments. He gave his vote conscientiously, and he should give a similar vote if the officer, for whom the Thanks of the House were asked, had not been in any way connected with him.

Mr. *W. Bingham Baring* said, it was a bold thing in him to rise after the gallant Officer, who had just addressed the House. He rose, however, to vindicate the Board to which he belonged. A charge had been made against the Board of Control—and a serious one too. It was no less than this—that a disposition had been shown to favouritism, by which one party had been protected at the expense of

another; in fact, that Major Outram's despatches had been presented in such a manner as to place him in an inferior position to that which he ought to occupy. The case was this:—Major Outram had been employed in Scinde to superintend the carrying on of negotiations. In the performance of his duty he justly and wisely placed before the general his opinions, argued for the policy which he thought ought to be adopted, and stated his facts and arguments for that course. Sir C. Napier, in receiving those statements, gave, no doubt, his best consideration to the arguments, as he was bound to do, recollecting the judgment Major Outram had shown in the management of affairs connected with that country. But Sir C. Napier was not responsible to Major Outram. He therefore merely confined himself to giving instructions how to act. The consequences would be, that if merely the instructions of Sir C. Napier were alone presented to the House, it would be impossible to make out the state of the case. Sir C. Napier, when he sent Major Outram's despatches to the Governor-general, to whom he was responsible, thought it his duty, and he (Mr. Baring) was of opinion, that Sir C. Napier had acted correctly, to allude to those letters, and to show why it was he did not follow the advice he received from Major Outram. Some portion of those explanations was contained in diplomatic letters, and other parts of them —from the overwhelming business thrown upon him, of organising the Government, consulting different interests, bringing parties to act together who were different in race, language, and habits, he could not put into the regular despatches but appended them as foot-notes. Because, however, he could not give them in despatches, would it have been just not to have given them? There was nothing in those foot-notes disrespectful to Major Outram; Sir C. Napier merely stated, that he was of a different opinion from the gallant Major. Such was the explanation he had to give. He was satisfied in his own mind, that he was doing his duty, and he took upon himself the responsibility of having advised that those notes should be kept, and he thought great injustice would have been committed if they had not been retained in the correspondence. The right hon. Gentleman who had spoken in the course of the evening had referred to the omission of two passages in a despatch from Major Outram to the Governor-general, in April, 1842. Now, the rule that had been adopted, in drawing up that correspondence was this, so long as Major Outram agreed with Sir C. Napier, such parts of the despatches only were given as were necessary for the understanding the negotiations; but, at the same time, taking care not to strike out anything that could be urged in favour of the cause of the Ameers of Scinde. All their case was there, and nothing was omitted that could in the slightest degree be urged in favour of them. But, as regarded the correspondence in which Major Outram differed from Lord Ellenborough, every line and letter was presented to the House, and in an unmutilated form. It will be oberved, that the despatch from which the passages had been omitted, was dated the 21st of April, when Major Outram counselled Lord Ellenborough to take severe measures against the Ameers, and when he proposed to him to consider the subsisting treaties as forfeited. He had been anxious to make this explanation to the House, for he felt that, for any department of the Government to injure in the slightest degree the fair fame of any man under them, was disgraceful on their part, injurious to the service, and must be eventually injurious to the country.

Mr. *C. Wood* said, he should have been content to sit still after the protest of his noble Friend near him (Lord Howick), but he could not do so, after the speech of the gallant Member near him. No doubt his noble Friend had discharged a painful and invidious duty, but the hon. and gallant Member had completely mistaken his noble Friend's views. Not a word fell from his noble Friend calling in question the high military character and achievements of Sir C. Napier. His noble Friend from first to last approved of the military skill, the gallantry, and the moral and political courage, which Sir C. Napier had shown throughout the whole of his military operations in Scinde, and in fighting the battle of Meeanee. He (Mr. Wood) certainly thought his noble Friend did, and he was sure it was his intention to, pay a tribute to the whole of Sir C. Napier's military conduct from beginning to end, in which he (Mr. Wood) entirely concurred. Nor did his noble Friend enter into the question of the policy of Lord Ellenborough. The position his noble Friend took was, that according to Parliamentary precedent, according to the principles laid down by Parliament in

voting Thanks to military and naval officers, this Vote of Thanks ought not to have been proposed; and, if hon. Gentlemen would refer to the debate on the motion for a Vote of Thanks to Sir E. Codrington, they would find the principles laid down by Mr. Huskisson, and by the right hon. Gentleman opposite as clearly as it was possible, and, consistently with those principles, he contended that the Vote on the present occasion ought not to be moved. He was far from saying that the House might not depart from those principles; this he maintained, that those principles so laid down were departed from in the present instance. Those principles, as laid down by Mr. Huskisson and the right hon. Baronet were, that for mere hostilities and acts of aggression, however necessary, however signal the success, however brilliant the achievement, an officer could not be entitled to a Vote of Thanks. They said there must be a state of formal recognised war between the two countries before he could be so entitled. Instances were quoted similar to the present. The right hon. Baronet quoted Sir G. Byng's action on the coast of Sicily. Sir G. Byng went to Spain and told the Spanish government that he had instructions to prevent any aggression against Sicily. Spain refused to desist from making the aggression. Sir G. Byng demanded an armistice. The Spanish admiral would not agree to it. He then attacked and gained a complete victory over their fleet, but a Vote of Thanks was refused to him; and why? Because war had not been declared. The right hon Baronet said,

"That his conduct had been entirely approved by his Sovereign, that the policy of his conduct had not been questioned in Parliament; nevertheless Thanks were not voted, because there had been no declaration of war."

Sir James Mackintosh, argued in favour of a Vote of Thanks for Navarino. He said, as it might be said with reference to the affairs of Scinde,

"What were the admirals to do? Were they to negociate? If they were, they were to negociate as admirals usually did, with their great guns. That was the only representation that could have any effect on the understandings of our ancient allies the Turks."

The same arguments as those of Sir J. Mackintosh with reference to Navarino might be used with reference to the operations of Sir C. Napier. Nobody then disputed the gallantry of Sir E. Codrington, nor did any one dispute that of Sir Charles. But as there was no war, the former was not entitled to Thanks, and the same principle applied to the latter. Reference was made in that debate to the case of Copenhagen. A fleet and army were sent to demand the surrender of the Danish fleet. The Danes refused to give it up. Hostilities commenced, and complete success attended our forces, Thanks were voted by Parliament. Sir James Mackintosh quoted this case: He said,

"The only question that arose respecting Copenhagen was, whether the danger actually existed. When danger existed, war was justified and began. Upon this principle hostilities were commenced against Denmark."

But according to the views of the right hon. Gentleman opposite, that did not entitle the army and the fleet to a Vote of Thanks. He said in answering Sir James Mackintosh,

"In the case of Copenhagen that very fact existed, the non-existence of which was the reason of forbearance from voting Parliamentary thanks in the cases of Admiral Byng, and the battle of Toulouse—there was a declaration of war issued by Denmark against Great Britain. At the time of the military occupation of the Danish arsenals, Denmark had declared herself at war with England."

Now the battle of Toulouse had been referred to. This was a remarkable case. We were engaged in a war, in the strictest sense of the term, in a recognised war. The Duke of Wellington had no reason to suppose that the war was stopped. He fought and gained a signal victory. Honours were granted for the action, but the Thanks of the House were refused on the ground that something had occurred elsewhere which had put an end to the war. Now, what was the principle on which this declaration of war, this state of recognised war, was always insisted on as entitling officers to a Vote of Thanks? Why, it was laid down by Mr. Huskisson, that it was inexpedient to pass a Vote of Thanks to an officer with whom the power rested of fighting the battle, for fear there should be any temptation to commence an engagement. He (Mr. Wood) did not say that that was so in this case. The right hon. Gentleman did not say it was so in the case of Sir E. Codrington, but he said the House ought to be cautious before making a precedent of voting Thanks on such occasions.

"For an event which grew out of an accident; lest officers, looking at the signal benefit conferred on them by receiving such thanks, should cherish too easy a disposition to create such accidents."

These were Mr. Huskisson's words: this was the principle laid down by him, and confirmed by the right hon. Baronet opposite, and it was strictly applicable to the present case. The hon. and gallant officer said that there were Votes of Thanks for the exploits in China and Affghanistan, without a declaration of war. In the case of Affghanistan, there was a declaration of war. In the case of China there was not. But then there was this distinction, and one on which the precedent rested, that, in the case of China, the power of peace and war was not vested in the military officer. The principles on which the precedents rested were, that the person in whom the option of peace or war was vested, was not entitled to a Vote of Thanks, as a military officer, in the event of success. His noble Friend said, that Sir C. Napier was put in that position in which, according to the principles and the precedents which had been acted on by the House, he could not receive the vote. He (Mr. C. Wood) must say, that so far as the precedent went, so far as the principles went, he believed his noble Friend was in the right, and was therefore justified in bringing the question before the attention of Parliament. If the House chose to disregard precedents they might do so; but was it right that the House should do so, knowing to what extent precedents had been enforced before, that they were acting contrary to those precedents? and he thought with strange inconsistency, on the part of the right hon. Baronet who proposed the present Vote of Thanks. He (Mr. C. Wood) admitted the glory of the victory, and that Sir C. Napier well merited the Vote for his gallantry and his ability, but at the same time he thought there were precedents relating to similar cases, and founded on wholesome principles, which were altogether opposed to such a Vote.

Mr. *Sharman Crawford* said, it was with no small surprise, after the speech of the noble Lord, the Member for Sutherland, and those of the other hon. Gentlemen, that he heard no hon. Member express an intention of taking the sense of the House by bringing the question to a division. He was one of those who felt strongly the force of the arguments that had been used. He felt that the House, by a Vote of Thanks, was identifying itself with, and approved of the origin and conduct of, those wars. He did not wish by any act of his to identify himself with such wars as those which had been carried on in India. He thought that a stand should be made against those wars, and that the House should limit its expression of approving them; but, at the same time, he felt that the officers were compelled, as machines, to work on occasions where they could not approve of the objects for which they worked. He, for those reasons protested against the Vote. He protested against the bloody, unjust, and unnecessary wars that had taken place in India, and he should therefore move the previous question.

Mr. *Brotherton*.—I second the motion.

Mr. *B. Escott* said, this was a most important question. Those brave and noble-minded men who had hazarded their lives in the cause of their country well deserved the Thanks of that House and of the nation; but it seemed to be the wish of some hon. Gentlemen on the other side to depreciate the value of their services, by imputing motives and indulging in insinuations against at least one of the officers engaged in those operations, whose conduct they did not dare to impugn by a direct motion in that House. The hon. Member for Halifax, although he did not oppose this Vote of Thanks, had sought to depreciate the credit due to the gallant Officer who had directed the operations in Scinde, and had objected to the motion on the ground of precedent. He was not, however, disposed to argue such a question as this upon precedent. Sir C. Napier had gained an unprecedented victory; and in awarding to that gallant Officer their meed of praise and gratitude for his unprecedented successes, they were not to be guided or influenced by the conduct of Parliament on other occasions, when the actions under consideration were of a widely different nature from those in which Sir C. Napier had been engaged. The noble Lord who had addressed the House had made two admissions to which he would call their attention. The noble Lord had stated that the conduct of Sir C. Napier, in a military point of view, had been beyond all praise. The hon. Member for Halifax had repeated this sentiment, and had said that he considered the gal-

lant officer was entitled to the unbounded gratitude of the country. What was the nature of the motion now before the House? It was a motion for a Vote of Thanks to Major-general Sir C. Napier, and to the officers and men for military operations in Scinde. If, then, the conduct of that gallant officer with respect to these military operations was beyond all praise, and if, as had been admitted by the noble Lord and by the hon. Member for Halifax, they had only the subject of military operations under their consideration in this debate,—on what ground did they rest their attacks upon Sir C. Napier? The noble Lord had also made another admission. He had said that he, like many others, had very little knowledge of the affairs in Scinde—that it was a most difficult thing to form a correct opinion with reference to transactions which took place at such a distance—and that we ought to be exceedingly cautious in condemning the acts of persons of the propriety of whose conduct we had comparatively slight means of judging. But, although the noble Lord possessed so little knowledge of these affairs, two hon. and gallant Members who had spoken in the course of the debate possessed considerable knowledge on the subject; and what were the opinions of the hon. and gallant Member for Liverpool (Sir H. Douglas) and the hon. and gallant Member for Marylebone (Sir C. Napier)? Did not those hon. Members and his right hon. and gallant Friend (Sir H. Hardinge) distinctly state, that General Sir C. Napier would have acted a most treacherous part towards the men under his command, most prejudicially to the interests of his country, and that he would have done dishonour to his own high military character, if he had delayed any longer to attack the force arrayed against him? He hoped that the hon. Member opposite (Mr. S. Crawford), pursuing that straightforward course which always characterized his conduct in that House, would press his motion to a division. He sincerely trusted that the hon. Member would divide the House upon the question, in order that it might be seen how many Members of a British House of Commons would act upon the suggestions of the noble Lord, and deprive future commanders of that stimulus to similar exertions under similar difficulties which was afforded by an anticipation of the applause and approbation of the British Parliament. A noble Lord (Lord Auckland) who possessed a deep and intimate acquaintance with this subject, and who had to-night spoken upon the question in another place, had not deemed that it became him to be niggard in the meed of approbation he had awarded to Sir C. Napier and the gallant army under his command. Whether or not that noble Lord had been mistaken, he had at least been unfortunate on a former occasion; but his misfortune, or his ill-policy—if, indeed, it was his ill-policy—ought to be considerately regarded by a generous nation. That noble Lord had not, however, thought it right or becoming to make any attack to-night upon his successor, Lord Ellenborough, or upon the gallant officer, Sir C. Napier, who had reaped laurels on a field where the noble Lord had not been equally fortunate. The noble Lord had left it to others—and he hoped their numbers would be seen on a division to-night—to rise in the House of Commons, safe from danger, removed from difficulty, and, under the pretence of maintaining, that incitements ought not to be held out to military men to engage in hostilities unnecessarily, to seek to withhold the highest reward a military man could receive—the approbation of the representatives of the people—from those who had most richly deserved it. He would only add, that it was now their duty to watch narrowly the future course of events in the country which their gallant army had conquered, with a view to the dissemination of the arts of peace and the introduction of English institutions.

Dr. *Bowring* felt it necessary to justify the vote he was about to give on this question. He had no feeling whatever against General Sir Charles Napier, whom he knew, and whose high and noble qualities he admitted and admired; but he disapproved all aggressive war, and he would therefore vote for the motion of his hon. Friend (Mr. S. Crawford).

Viscount *Palmerston* wished to state, in a very few words, the grounds upon which it was his intention to give the motion of the right hon. Baronet (Sir R. Peel) his warm and cordial support. He could not allow himself to consider this motion as involving, in any degree whatever, any political considerations. He regarded it as a simple proposal to confer upon most distinguished military merit the Thanks of that House—one of the highest rewards

that could be conferred upon those who fought and bled in defence of their country. He wholly discarded from his consideration all topics which involved any question as to whether the treatment of the Ameers were justifiable or not—whether the policy pursued by Lord Ellenborough were wise or the contrary. He would not even permit himself to look at that portion of the political transactions in India in which Sir C. Napier might be considered to have been involved in his political capacity. He saw a most brilliant exploit performed by British troops — an exploit almost without example, with reference to the disparity of forces and the completeness of the success; and he thought, following what he considered the just precedent of former periods, that this was an occasion upon which it was becoming that the House should join in commendation of the valour and skill which had been displayed. He said the skill, as well as the valour, because he thought the sagacity which Sir C. Napier had exhibited in the course of these military operations was not less conspicuous than the bravery he had displayed in the actions in which he had been engaged. His noble Friend and some hon. Members on that side of the House conceived that the proceedings which took place in Parliament with regard to the battle of Navarino presented an obstacle to their agreeing to the motion now under consideration. He could not perceive any identity between the two cases. What was the battle of Navarino? An accidental conflict which took place between our fleet, forming a portion of a combined fleet, which was the instrument of mediation on the part of the Allied Powers between two contending parties, and the fleet of a Power with which we were not at war, and with which we did not afterwards find ourselves at war. We remained on terms of peace with the Sultan after that battle; and for Parliament to have voted Thanks for a victory gained in an unintentional and accidental conflict with the fleet of a friendly Power, and which did not disturb the peaceful relations between this country and the sovereign whose fleet we defeated, would have been exceedingly discourteous towards the Sultan; and he thought the Government of that day acted with just consideration when they declined to agree to such a Vote. But no man would say that we had not been at war with these Ameers. If that was not war which, beginning in battle, ended in dethronement, he was at a loss to know what war was. He was sure that the Ameers would not be disposed to acquiesce in the peaceful interpretation which his noble Friend had given of the transaction. He gave this Vote his most warm and cordial support, reserving himself entirely free as to any opinion he might entertain with regard to any political questions connected with the transactions in Scinde.

Mr. *W. O. Stanley* said, it had not been his intention to offer any remarks to the House, but he rose in consequence of an observation which had been used by the hon. Member for Winchester. That hon. Gentleman had said, that hon. Members who had expressed their opinions freely on this question, "dared" not impugn the conduct of the gallant officer to whom it was now proposed to pass a Vote of Thanks. The hon. Members who had spoken on that side of the House, had given free expression to their opinions, because many of them felt that though Sir C. Napier had acted in a most creditable manner, and had deserved the Thanks of the House for his military services, there were circumstances connected with his transactions in India, of which they could not approve. This was the feeling which he entertained; but he should be sorry to divide the House on this question, or to give his vote against the motion. He believed, that the conduct exhibited by Sir C. Napier, could have been rivalled by few persons. He was willing to give that gallant officer his full meed of praise; but, at the same time, he could not read the correspondence which had been submitted to the House, without regretting some portions of the conduct of the gallant officer. He considered that the laurels which Sir C. Napier had won, were tarnished by the letter which he had written to the Ameers of Scinde. If the motion were pressed to a division, he certainly would not vote upon it.

The House then divided on the Question; that the Question be put: Ayes 164; Noes 9—Majority 155.

List of the Ayes.

Ackers, J.	Baillie, H. J.
Acland, T. D.	Baird, W.
Allix, J. P.	Baldwin, B.
Arkwright, G.	Baring, hon. W. B.
Arundel and Surrey, Earl of	Baring, rt. hon. F. T.
Ashley, Lord	Barnard, E. G.
Baillie, Col.	Bentinck, Lord G.
	Berkeley, hon. C.

Bernal, R.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buckley, E.
Busfield, W.
Butler, P. S.
Byng, rt. hon. G. S.
Chetwode, Sir J.
Childers, J. W.
Christie, W. D.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Colborne, hn. W.N.R.
Colebrooke, Sir T. E.
Collett, W. R.
Collett, J.
Connolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Craig, W. G.
Cripps, W.
Curteis, H. B.
Dalrymple, Capt.
Damer, hon. Col.
Dawson, hon. T. V.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douro, Marquis of
Drummond, H. Home
Duke, Sir J.
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Egerton, W. T.
Eliot, Lord
Escott, B.
Ferguson, Col.
Fitzroy, Lord C.
Flower, Sir J.
Ffolliott, J.
Forster, M.
Fox, C. R.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes.
Gill, T.
Gisborne, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Gregory, W. H.
Hallyburton, Lord J. F.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hatton, Capt. V.
Henley, J. W.
Herbert, hon. S.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Hope, G. W.
Hornby, J.
Howard, Lord
Howard, P. H.
Hume, J.
Humphery, Mr. Ald.
Hutt, W.
Jermyn, Earl
Jocelyn, Visct.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Langston, J. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lawson, A.
Leveson, Lord
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Mc Geachy, F. A.
Mackenzie, W. F.
Maclean, D.
M'Neill, D.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord J.
Marsland, H.
Masterman, J.
Maxwell, hon. J. P.
Mitchell, T. A.
Morris, D.
Murray, A.
Napier, Sir C.
Nicholl, rt. hon. J.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Paget, Col.
Pakington, J. S.
Palmerston, Visct.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Plumridge, Capt.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Rawdon, Col.
Repton, G. W. J.
Roebuck, J. A.
Shaw, rt. hon. F.
Sibthorp, Col.
Somerset, Lord G.
Standish, C.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, F.
Trench, Sir F. W.
Turner, E.
Vane, Lord H.
Verner, Col.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Young, J.

TELLERS.
Freemantle, Sir T.
Baring, H.

List of the NOES.

Bowring, Dr.
Granger, T. C.
Hawes, B.
Howick, Visct.
Mangles, R. D.
Strickland, Sir G.
Wawn, J. T.
Williams, W.
Wood, C.

TELLERS.
Brotherton, J.
Crawford, S.

It was accordingly

Resolved, That the Thanks of this House be given to Major General Sir Charles Napier, Knight Grand Cross of the Most honourable Order of the Bath, for the eminent skill, energy, and gallantry displayed by him in the recent Military Operations in Scinde; particularly in the two decisive Battles of Meeanee and Hyderabad.—And also

Resolved, *Nemine Contradicente*, That the Thanks of this House be given to the several Officers of the Army, both European and Native, serving under Major General Sir Charles Napier, for their unwearied zeal and conspicuous gallantry.

Resolved, *Nemine Contradicente*, That this House doth highly approve and acknowledge the brave and meritorious conduct displayed by the non-commissioned officers and private soldiers, both European and Native, engaged in the operations in Scinde; and that this Resolution be signified to them by the Commanders of the several corps.

Ordered, That the said Resolutions be transmitted by Mr. Speaker to the Governor General in India, and that his Lordship be requested to communicate the same to the several Officers referred to therein.

STRANGERS—PUBLICATION OF THE DEBATES.] Mr. *Christie*: I wish first to say that I feel I ought to apologize for bringing forward a question so closely relating to the privileges of this House, and also of very considerable constitutional importance. The only excuse I can offer is, that, having been connected in the last Session with the Bill for the amendment of the Law of Libel, which originally contained a clause giving protection to publishers of faithful Parliamentary reports from actions or prosecutions for libel arising out of any matter in these reports, and which was deprived of that clause in the other House, chiefly for the reason that all such reports were

strictly breaches of the privilege of Parliament, I have had my attention directed to a practical consequence of the present anomalous state of things, and have hoped that I might be allowed to submit, for the better consideration of the House, the propriety of getting rid of forms that have fallen into complete disuse, and are indeed so contradictory to our practice, that they can only excite ridicule, and are attended with some practical inconveniences, and of substituting regulations conformable to our practice, and which, while they recognize what is now daily not only permitted but encouraged by the House, shall retain for the House all the control over both the admission of strangers and the publication of debates, which it can be necessary or proper for the House to exercise. Now, if this were a mere question of obsolete regulations, which have lost all practical influence, I will not say there would be no justification, but there would be little inducement to trouble the House with a formal motion for rescinding them. I have already adverted to one instance of the practical operation of these regulations. There is another which has been probably presented to the mind of every Member of the House, however short his Parliamentary experience. Old Resolutions of this House declare, that any publication by newspapers of what is said in it, is a breach of its privileges, and that the House will proceed with the utmost severity against all offenders. But the House never seeks to exercise the power so declared, except in cases where a published report involves gross and apparently wilful misrepresentations. Now the power of the House to prevent these misrepresentations, which, in order to prevent their recurrence, no one will say that it ought not to possess and to exercise, is greatly weakened by a theory as to all publications at complete variance with practice. The House cannot notice any such misrepresentation without declaring the report to be in itself a breach of privilege. This at once lays bare the inconsistency of the House: it so far gives an advantage to the offender; it places punishment on a wrong ground, or at any rate, not solely on the right one; it is at best a clumsy circuitous mode of punishing the offence you wish to punish, instead of proceeding straight to the object; and the consequence of the present state of things is, as every one knows, first, that the House is rendered slow to act, in cases where for the sake of the public, to whom faithful reports of Parliamentary Debates are all-important, it is desirable that it should act, and secondly, that, when it does act, it acts with diminished efficiency. I will mention an instance in illustration. In the year 1819, a reporter of the *Times* newspaper was brought to the bar of the House on the complaint of Mr. Canning, for a misreport of a speech of Mr. Hume's, which, as misreported and so grossly misreported, that the House could not believe the misreport to be unintentional, was most offensive to the feelings of Mr. Canning, and calculated to injure him seriously in the public estimation. Any one who reads the debate which arose, and the proceedings in that case, will see how the House was hampered by the theory, that publication is a breach of privilege. I find that Mr. Wynn, who directed the course taken by the House, said,

"The breach of privilege was, in the present instance, of a complicated nature; the first breach of privilege he need not mention, as it was well known to every Member of the House, and had now been overlooked for many years; the next breach of privilege was against the right hon. Gentleman opposite, whose character had been calumniated; and the third breach against the hon. Gentleman to whom foul language had been attributed."

Mr. Wynn afterwards moved a resolution, which is remarkable for the pains taken to place the theoretical offence of publication, — the sole offence for the House to consider if it acted in the spirit of the Resolutions on which it professes to act—as much as possible in the background. The Resolution was—

"That the said paragraph is a scandalous misrepresentation of the debates and proceedings of this House, a calumnious libel on the character of one of its Members, and an aggravated breach of its privileges."

Now, the breach of its privileges was the publication—the calumny and the misrepresentation, which are put foremost were the aggravating circumstances. The reporter was committed to the custody of the Sergeant-at-Arms, and the next day, having presented a petition to the House he was ordered to be reprimanded by the Speaker and discharged. I have extracted a sentence from the reprimand delivered on that occasion by the Speaker, the present Lord Canterbury,

which seems to me a very happy and forcible illustration of the difficulties in which the House is now placed with regard to reports of debates. After speaking of the lenity with which the House was disposed to treat the offence, he says,

"Let not, however, that lenity be misunderstood—let it not be forgotten that it is alone from the indulgence of this House that there is room for the commission of any such offence, and that the abuse of such indulgence aggravates the offence."

That is, "we allow you to commit an offence, and make ourselves parties to its commission; but if you infringe the terms on which we allow you to violate our privileges, we consider that you break faith with us, and that we are entitled to assume a higher tone of moral indignation towards you." Now I cannot but think, that the dignity of this House would have been better asserted, its high functions as a representative assembly more worthily vindicated, and, I will add, the Speaker placed in a juster position, if he had been able to say to the person whom he was required to reprimand, "We allow you to report our debates and give you facilities for reporting them, for the public good which requires that those for whom this House legislates, and by whom this House is elected, should see the speeches of its Members: you must remember that, in pursuing your own profit, you exercise important public functions: we who permit you to perform these functions retain in our hands a control over you in order to secure their being performed justly and accurately; and the same public good which calls upon us to allow you to report, requires us to punish you if you misrepresent." And this is the principle which I hope the House may ultimately be induced to adopt: to sanction reports, and to confine punishment to misrepresentations. I hope the House will think that I am doing only what the importance of this subject and its delicate character in connexion with privilege require, if I go into a short history of the proceedings of the House of Commons from the commencement, both for excluding strangers and prohibiting the publication of debates. The two questions are distinct; for though in later times the Standing Order for the exclusion of Strangers was made the means of preventing publication, and I believe I may say also was made the ground for treating publication as an offence, its original enactment was altogether irrespective of the question of publication, and the House sought to prevent publication by distinct specific resolutions. The first Resolutions to be found in our Journals, prohibiting publication of speeches, occur at the commencement of the Long Parliament. In that crisis of the great struggle between Charles I. and the Parliament, when every possible expedient was resorted to for the purpose of protecting the privilege of freedom of speech, two Resolutions prohibiting publication were passed, which had for their object to prevent what was said by Members from coming to the knowledge of the Crown. The first of these Resolutions, forbad any Member to publish his speech without the leave of the House. The second passed on the 22nd March, 1642, was directed generally against publication, and is in these terms:—

"Resolved, that whatsoever person shall print any act or passages of this House, under the name of Diurnal or otherwise, without the particular licence of this House, shall be reputed a high contemner and breaker of the privileges of Parliament, and be punished accordingly."

The spirit of the Resolutions of the Long Parliament was upheld in all the irregular Parliaments of the Protectorate, which contained always a large number of Members as jealous of Cromwell and afterwards of his son, as the Long Parliament had been jealous of Charles I. Mr. Burton mentions in his Diary, an attempt made on one occasion by a republican Member, Luke Robinson, to stop his taking notes. After the Restoration, there is an early instance of two printers being punished for printing some of the proceedings of the House. But the King and Parliament were now entirely in accord; and the spirit of this proceeding was no longer that which had dictated the Resolutions of the Long Parliament. It was not, however, till the middle of the reign of William and Mary, that a series of systematic attempts was commenced, to use Resolutions originally passed to protect the House of Commons, in the performance of its duty to the people, from the Crown, for the purpose of screening it from the view of the people. On the 20th of December, 1694, the House passed a Resolution,—

"That no news-letter writers do, in their letters or other papers that they disperse, presume to intermeddle with the debates, or any other proceedings of this House."

This Resolution was renewed in 1695, 1697, and 1703; and fresh Resolutions more stringent in character, were passed in 1722 and 1728. These Resolutions were one after another disregarded; and accounts of the proceedings of Parliament went on, in spite of them, increasing in number and value, constantly becoming more cared for by the public, and more difficult to be prevented. There was, however, in those times, an argument that might be urged with much plausibility for preventing accounts of debates from being published, which can no longer be urged now, that the speeches of Members, if published, would be published inaccurately. Thus, in 1738, when a more vigorous attempt was made than had ever been made before to stop publication, this was made the chief ground for the desired prohibition. An account of the debate on this occasion has been preserved, and is to be found in the "*Parliamentary History*." The subject was introduced by the Speaker, who informed the House—

"That it was with some concern he saw a practice prevailing which a little reflected on the dignity of that House. What he meant was the inserting an account of their proceedings in the printed newspapers, by which means the proceedings of the House were liable to very great misrepresentation."

In the debate which took place, Sir Wm. Yonge, Sir Wm. Windham, Mr. Pulteney, and Sir Robt. Walpole took part. All agreed as to the necessity of taking some step for the prevention of the practice complained of by the Speaker, and all, with the single exception of Mr. Pulteney, who was more adventurous in his argument, relied chiefly on the liability to misrepresentation. Mr. Pulteney, alone, denied the right of the public to know what was said in the House. He said—

"I think no appeals should be made to the public with regard to what is said in this assembly; and to print or publish the speeches of Gentlemen in this House, even though they were not misrepresented, looks very like making them accountable without doors for what they say within."

The following extract from Sir Robert Walpole's speech shows that general inaccuracy and wilful misrepresentations of party virulence were the real grievance;—

"I have read some debates of this House, Sir, in which I have been made to speak the very reverse of what I meant. I have read others of them, wherein all the wit, the learning, and the argument, have been thrown into one side, and on the other nothing but what was low, mean, and ridiculous; and yet when it comes to the question, the division has gone against the side which, upon the face of the debate, had reason and justice to support it. So that, Sir, had I been a stranger to the proceedings, and to the nature of the arguments themselves, I must have thought this to have been one of the most contemptible assemblies on the face of the earth. What notion, then, Sir, can the public, who have no other means of being informed of the debates of this House than what they learn from these papers, entertain of the wisdom and abilities of an assembly, who are represented therein to carry almost every point against the strongest and the plainest arguments and appearances?"

The result was, that a Resolution was unanimously passed, which differed only from the Resolution of 1728 by specifically naming the recess, as well as the time of sitting, of Parliament, and is as follows:—

"That it is an high indignity to, and notorious breach of the privileges of, this House, for any news writer, in letters or other papers (as minutes, or under any other denomination), or for any printer or publisher of any printed newspaper of any denomination, in Great Britain, Ireland, or any other part of His Majesty's dominions, to presume to insert in the said letters or papers, or to give therein any account of the debates or other proceedings of this House, or any committee thereof, as well during the recess as the sitting of Parliament; and that this House will proceed with the utmost severity against such offenders."

This Resolution did not succeed in preventing accounts of the debates from being published. The accounts were published henceforward with a fictitious name for the House of Commons, and fictitious names for the Members. The London Magazine published *The Proceedings of the Political Club*. The St. James's Chronicle, *The Debates of the Representatives of Utopia*—and The Gentleman's Magazine, whose reports have acquired a greater celebrity, as having commanded, for some years, in their service, all the resources of the genius of Johnson, published its reports under the name of *Debates of the Senate of Lilliput*. All this while, the Standing Order for excluding Strangers was never used for carrying into effect the desire of the

House to prevent publication of its proceedings. The first Order for excluding Strangers was passed in 1662, and had no other object, than to prevent strangers from coming in to mix with Members, and obstruct business. It was an Order to shut the back door of the Speaker's chamber when the House began to sit, and to keep it shut as long as the House sat. An Order to this effect was renewed sessionally till 1833, long after anything was known about the back door of the Speaker's chamber; and was dropped in that year from a general conviction of its absurdity. An Order similar to the present Sessional Order was first passed on the 31st of October 1705. It differed in no way essentially from the present Sessional Strangers' Order, but was not expressed so fully. Every one knows the Order in its present form. It was in the commencement of the reign of George 3rd, on the establishment, after a long term of exclusion, of the Tory party in power, that this Order was first used for the purpose of preventing publication of debates. The Gallery was now constantly closed against strangers. But even this was not effectual. Members sent reports of the debates to the magazines and papers. In 1771, a bolder step was taken, and Colonel Onslow moved, to bring the printer and publisher of every reporting newspaper, to the Bar of the House. These motions were met with a determined opposition from a small minority, in which Mr. Burke, then young in Parliamentary life, bore a conspicuous part, and which vexed the House in one night with twenty-three divisions. The opposition was fruitless at the time, but the moral effect which it produced led the Tories in the next Parliament to give up the point, and from that time, reports of debates have been unmolested and virtually permitted. In a recent valuable publication, *Sir Henry Cavendish's Debates*, a full report of the debates on Colonel Onslow's motions has been given to the world: and there are other interesting debates reported in that work which bear on this subject. In those debates, Mr. Burke, Mr. Dunning, Mr. Fox, and others, unequivocally declared, that the exclusion of strangers was at variance with the constitution. I will read a part of a short debate which took place on February 7th 1771, and which tends to prove the origin of the exclusion, by showing, that at this time, want of room was always made the pretext. Sir John Turner, who was a Lord of the Treasury under Lord North, and who moved the enforcement of the Standing Order for the exclusion of Strangers, and said:—

"As there were so many Members at the call of the House on Tuesday, I conclude they are still in town, and that we shall be crowded. I am not so cold as I was; I desire, that the Standing Order for the exclusion of Strangers may be read."

Sir Joseph Mawbey, a Member of the Opposition said, after strangers had left the House:—

"From the appearance of the House, I begin to suspect that many Members are gone out of town. Several Gentlemen complain of cold. The hon. Baronet (Sir J. Turner) has got his great-coat on."

Colonel Onslow said, (and this again shows, that misrepresentation was the evil sought to be avoided)—

"Nobody wishes to permit strangers to be in the House more than myself; but there is one objection which I mentioned the other day. No Member would misrepresent the speeches made in this House. It must proceed from strangers."

Mr. Wm. Burke replied:—

"With regard to misrepresentation it is more likely to take place from strangers being kept out. If they are not permitted freely to report the speeches of Members, they will set about inventing them. The hon. Gentleman need not be discontented. Many very good speeches of his and of other Members have been printed."

I conclude then from this historical sketch that the publication of debates in this House was originally prohibited for the purpose of protection against the Crown, and afterwards when the House of Commons had ceased to fear the Crown, was long attempted to be maintained against a constantly growing interest in public matters on the part of the community generally, and a growing desire to make the Government responsible to the governed, by some few political zealots in order to screen Parliament from accountability to the public, but chiefly and by all moderate men in order to prevent inaccurate and unjust accounts of what passed in the House from going forth to the public, and because it was then thought there was no other alternative but secrecy of debates, or misrepresentation of them. The Standing Order for the exclusion of Strangers from

the House, was originally resorted to for the purpose of preventing interruption of the proceedings of the House, and inconvenience and discomfort to Members from the want of sufficient accommodation for strangers. During the time which has elapsed since the House of Commons gave up the contest with newspapers, and there has been practically permission of newspaper reports, the art of reporting has been carried to such a state of excellence, and the newspapers have become so universally recognised as the full and faithful media of communication between this House and those whom it represents, that I think no one will any longer regard inaccuracy and misrepresentation as necessary dangers. The perfection to which short hand writing has been carried, the large capitals embarked in newspapers, and the rivalry between them, if aided by the more effectual control that this House could exercise if it only emancipated itself from the shackles of its present nominal prohibition of all publication, would ensure reports free from general inaccuracy which the public would discountenance, free from wilful misrepresentations which this House would punish, and free also, under the control of the public and of the House from the exercise of any political partiality or personal caprice over those who execute the duties of reporting. It is under these circumstances then, that I ask the House to grant the appointment of a Committee to consider the expediency of recognising the presence of strangers at debates, and the publication of debates under the pleasure of the House, and to consider and report what regulations may be necessary. I will explain what I mean by the words "under the pleasure of the House." I do not propose to take away the power which any individual Member now has of having the House cleared of strangers, without any debate arising on his demand for their exclusion. But I wish their presence here to be recognised as the general rule. There may arise occasions when state policy would require the Legislature to debate with closed doors. The best possible check upon a Member to prevent his excluding strangers without a good reason, would be public opinion; and with regard to the publication of debates, the power must be reserved to the House to forbid publication, if on any occasion secrecy is required. The regulations necessary for thus modifying the general right of admission of strangers and of publication, it will, of course, be for the Committee to consider; and if the Committee is granted, I trust that I may be able to secure the efficient aid of experienced Members of the House; for I say sincerely, that I only look upon myself as having been accidentally led to make a suggestion to the House for other Members of more weight and experience to act upon, and conduct if they will, to a practical result. With regard to authorising the publication of debates, there is one point which I wish very briefly to anticipate, which however would be urged probably not so much as an objection, as suggesting a consequence which may tend to give a little more difficulty to this question. I mean, it may be said, that if this House recognizes reports of debates, it must go a step further, and have reporters of its own. After all, it is but a mockery to say that this House does not now practically recognize reports. But I believe, that the appointment of special reporters is neither a necessary nor a desirable consequence. The competition of newspapers and the control exercised by the public through the encouragement of the best reports, will secure justice and general accuracy; and the desired result may be confidently expected to be attained by the application of the enterprise and capital and talent of individuals, without expense to the public. Besides, if special reporters were appointed by the House, unless you excluded reporters from newspapers, they would anticipate your reporters with the public, and the newspaper reports would after all be then generally read. The recognition by Parliament of reports of its debates, would pave the way for an alteration of the law of libel, as regards publishers of these reports, which the highest authorities have declared to be desirable. Every newspaper that reports a speech which any individual may complain of as containing a libel on his character is now liable to action or prosecution for libel by that individual, the Member himself who made the speech being protected by his privilege. But if a Member publishes his own speech, or revises a manuscript report of it, or sends notes to the newspaper, he becomes liable for the publication. Mr. Creevey's case is well known. He was indicted in 1813 for a libel contained in a speech of which he had sent

a corrected report to a country newspaper, and was found guilty. It seems to me most unjust and inconsistent with the spirit of the constitution that those who do the public the great service of reporting debates in Parliament, should do so with the terrors of the law of libel before their eyes, and that Members of Parliament who assist to make reports accurate, should be subjected to the same peril. I will not trouble the House with reading the strong opinions given by Lords Denman and Campbell before the Lords' Committee on the law of Defamation and Libel which any Member may see on referring to the Report of that Committee. But I cannot, before I sit down, forbear from mentioning one striking instance, which a recent act of the Executive Government has supplied, of the inconvenience of retaining forms that have fallen into such complete disuse, that even the Lord Chancellor of Ireland could forget their existence, and embarrass himself and the Government by grounding his dismissal of Irish magistrates, on a letter deliberately written to explain it, on ministerial declarations in the two Houses of Parliament, of Her Majesty's sentiments on the subject of the Union between Great Britain and Ireland, which if known to the Chancellor himself, in any other way (and that is doubtful) were known to the public only by the newspaper reports. I move for a Select Committee to consider the expediency of recognizing the presence of strangers at debates, and the publication of debates, under the pleasure of the House, and to consider and report what regulations may be necessary.

The *Chancellor of the Exchequer* had given the best attention in his power to the speech which had just been delivered by the hon. and learned Member, and he confessed he had not been able to discover the object which the hon. Member had in view. The hon. and learned Gentleman appeared to wish that accurate accounts of debates should be published, and he paid a just tribute to the skill, correctness, and impartiality of the press in the publication of debates. He admitted, that the existing accounts were free from misrepresentation. He admitted, that the sentiments of Members were given under the existing system with an accuracy highly commendable. In the same way, with respect to the exclusion of strangers, the hon. and learned Member would have the House retain the powers which they at present possessed; and therefore he would ask what result could possibly arise from the appointment of the committee for which the hon. and learned Member moved? The practical advantage from it was too small to be discovered. The motion appeared to him to be founded on the Sessional Order, which directed the Sergeant-at-Arms to take all persons into custody whom he found within the House; but that Standing Order had no practical effect upon that portion of the strangers present who were engaged in reporting the debates. That resolution applied only thus far, that if strangers were found in any part of the House in which Members sat, then the Sergeant-at-Arms was to exercise the power given to him, and take them into custody. Surely this was a power which, whatever might be their feelings as to the admission of strangers to hear their debates, could not be objected to. Therefore, whatever might be their opinions with respect to the publication of their debates, he thought the objection of the hon. Gentleman to the Standing Order of the House not one to which the House could attend without having, as a consequence, persons intruding themselves into the House who were not Members. The hon. Member wished the House to recognise the publication of the debates. There was no concealment on the part of the House under the present system; and the inquiry of the committee moved for would be this—whether the public received as much information at present as they could under the recommendation of the hon. Member, if acceded to? They did not recognise the publication of their debates, nor could they, unless they did so through some authorised channel responsible to the House. This rule of the House did not rest on an Order passed from Session to Session; it was an inherent privilege of the House, which did not depend on any Standing Order, or any Sessional Order. The principle was this, that it was contrary to the independence of the House to publish or to advert to any debates which took place there. What would be one of the consequences of an opposite course if the House recognised the publication of any debates? One of the first consequences would be this,—they would have petitions without end, complaining of the speeches of this Member and that,

as containing misstatements of facts, and they would be compelled, if they authorised the publication of their debates, to listen to the voice of their constituents, and have the debates re-debated, in order to ascertain whether what had before been stated was correct or not. In the present state of the House, and of the business before the House, such a course would be highly inconvenient. If they recognised the publication of their debates, they could not get over the difficulty of recognising the right of the public to comment on them, and to bring them under their notice. Against the motion they had this fact, that the public had every information respecting the debates that passed in that House reported to them accurately, faithfully, and impartially, and what more could be required? If at any future period a time should arrive when it might be necessary to resort to any prohibition of the publication of the debates (which he did not anticipate), then such an attempt as this to interfere with an established privilege of the House would be more properly made. The only ground on which the hon. Member had supported his argument, had been the effect which this Standing Order had on the Law of Libel; and he said, that it ought not to be a libel to publish whatever might have been stated in that House by individual Members. In this he confessed he differed from the hon. Member, because he conceived, that it was perfectly possible for it to be necessary for a Member in his place in Parliament to make statements greatly affecting the character of other individuals, and yet he thought it would be most unjust that the mere fact of such a statement having been made in Parliament should authorise it to be published throughout the country to the prejudice of the individual. In many cases of inquiry, it was essentially necessary that things should be stated regarding individuals which were sometimes stated with exaggeration, and he thought it was but fair that the individual should not have things published without remedy. He did not agree in the principle, that it was justifiable to publish any matter, however libellous in itself, if stated to that House. He, therefore, thought it essential, that the House should retain its power, and that Members should be enabled to state what they thought necessary without the danger of their statements being used for the injury of individuals. He would not further detain the House. He objected to the motion, because every advantage anticipated by the hon. Member was at presented enjoyed by the House, and he thought it unnecessary to enter into an inquiry the result of which could not produce any material change.

Mr. *T. Duncombe* said the right hon. Gentleman had stated, that he could not understand the object of his hon. and learned Friend (Mr. Christie) in introducing this motion. Having listened to the speech of his hon. Friend, he must say that he never heard a proposition made more distinctly or intelligibly than his had been. His motion had not been to rescind the Order which authorised the Sergeant-at-Arms to take into custody any stranger who intruded himself into the House; and for all those circumstances in which it might be necessary to review any individual's conduct on a subject which ought to be kept secret, his hon. Friend proposed to retain the power which the House possessed to exclude strangers. All his hon. Friend asked the House now to do was, to appoint a committee to inquire into the expediency of rescinding a resolution which compelled the exclusion of strangers, and which made it a breach of privilege for the reporters in their gallery to report a debate in that House. It was, in fact, a breach of privilege in those gentlemen now present (if they did him the honour) to report his present observations. His hon. Friend wished to save the House from these continual breaches of privilege going on and from the anomaly of their proceedings. His hon. Friend had alluded to a letter and certain proceedings of the Lord Chancellor of Ireland last year. That letter had been founded on the report of a speech of the right hon. Baronet opposite, and on the report of a speech of the Duke of Wellington made in the other House of Parliament. How had the Lord Chancellor of Ireland acquired a knowledge of those speeches except through the public press? Suppose the individuals to whom that letter had been addressed had denied that those speeches were ever made, how would the Lord Chancellor have proved them? He could not have called on the right hon. Baronet to prove that he had made the speech he was reported to have made, nor could he have invented any mode to show that those magistrates were cognizant of those speeches. In the state trials just concluded, the speeches of Members of that

House had been given in evidence. A speech of Lord Althorp had been quoted and argued upon by the Attorney-general for Ireland and other counsel, as evidence of the intention of the parties they were trying to commit a breach of the peace, and to throw the whole country into confusion. Suppose those individuals had denied any of those speeches, they could only have proved them by the reporters of the newspapers, or by calling the individuals who made them. If the reporters of the newspapers had proved that those speeches were made, they would be guilty of a breach of the privileges of that House. Now, if they took advantage of speeches so made, they ought certainly to do away with this anomalous Resolution, which made a report of such speeches a breach of the privileges of the House. Had his hon. Friend proposed to rescind this Resolution which said that a correct report of the debates which took place in that House was a breach of privilege, he, for one, should have been quite prepared to vote for rescinding that Resolution; but he did not do that; he asked them only to inquire into the expediency of rescinding that Resolution, and to consider whether it would not be advisable to make some alterations in this regulation as to privilege. He could not understand what danger the right hon. Gentleman anticipated from the appointment of this committee. The proposed alteration could do no harm, if it did no good, and it would, at all events, save the House from the anomalous and absurd position which it now was in, its Members daily giving orders of admission to strangers to the House, their presence being a breach of the privileges of the House, and it would save them from the anomaly of permitting reporters to go every day into the Gallery and report their proceedings, against one of their Standing Orders. If his hon. Friend pressed his motion, as he hoped his hon. Friend would, he should have great pleasure in supporting it.

Mr. *W. Williams* had on former occasions felt it to be his duty to point out the anomalous position in which the House was occasionally placed by its own Orders. Some of their Orders were, indeed, never attended to, and were not of the slightest use. What, for example, was to be made of the following Order?—

"Ordered that no Member of this House do presume to bring any stranger or strangers to the House or the Gallery while the House is sitting."

The fact was, that any hon. Member and Mr. Speaker, were at perfect liberty to introduce strangers when they pleased. There was another Order of no more avail,

"Ordered, that the Sergeant-at-Arms attending this House do, from time to time, take into his custody any stranger or strangers that he shall see, or be informed of to be in the House or Gallery, while the House or a Committee of the whole House is sitting."

The reporters' gallery was always in the view of the Sergeant-at-Arms, and yet the Order was violated every night; and the strangers' gallery was directly opposite the Speaker, who took no means for their exclusion. Nothing could be more inconsistent than thus constantly acting in open violation of their own rules. For his own part, he felt some desire to see the House act upon high principles of consistency, especially in the regulations which it had laid down for its own guidance; and he thought the hon. Member (Mr. Christie) would have pursued a more consistent course, if he had proposed the rescinding of the Orders altogether to which he objected with respect to the presence of reporters. He would ask what was the object of making speeches in that House? and he would appeal to the right hon. Baronet opposite (Sir R. Peel), whether he ever hoped by the eloquent and occasionally long speeches which he addressed to that House to gain a convert from the other side? He (Mr. Williams), believed, that the most eloquent speeches in that House had never converted a single Member. He feared they were all too much like the Member from the north, who always voted along with Ministers, but being asked once, if he were never induced to alter his opinion by the argumentative speeches of the other side, replied "My opinions sometimes, but never my votes." He would ask, were not the speeches made in that House spoken rather with the view of exhibiting to the public the course which they were taking in that House, than with the hope of converting any hon. Member to their own opinions? And who gave those speeches to the public but the gentlemen who represented the newspaper press? He thought the Members of that House should be very much obliged to those gentlemen for the very clear, and he must say, generally very correct reports, which they gave to the country of the proceedings of that House, at the cost of great study and wonderful application and labour to themselves; but affording thereby a fund of information to

the public. With regard to the exclusion of strangers, he certainly thought it was an anomaly to give so much power to one Member in ordering the withdrawal of strangers. He could imagine the necessity for that House to debate with closed doors, but the case must be very extraordinary to call for the exercise of such a power. If such a circumstance should occur, however, it ought, in his opinion, to be upon the vote of the whole House, and not at the caprice of one individual Member, that strangers should be compelled to withdraw. The right hon. Gentleman, the Chancellor of the Exchequer, said the Order for the expulsion of Strangers by the Sergeant-at-Arms related only to strangers found in the body of the House, and not to strangers in the Gallery; but the order distinctly said "in the House or the Gallery of the House." [The *Chancellor of the Exchequer:* The Members' gallery.] The Order did not limit itself to the Members' gallery. If the right hon. Gentleman in the Chair would confirm the opinion expressed by the right hon. Gentleman the Chancellor of the Exchequer, he (Mr. Williams) should not object to such a Standing Order, but he was of opinion that it applied to all the galleries of the House. Instead of excluding strangers from their own gallery, he (Mr. Williams) thought that more accommodation might be given to them, and he could not see the slightest utility in ordering their withdrawal during a division, for they could not interfere with the Members if they were allowed to remain in the House. He hoped the right hon. Gentleman would either confirm the view taken of the Order by the right hon. the Chancellor of the Exchequer, or that he would cause the Order to be altered, so as to make it in accordance with the views of the right hon. Gentleman.

Sir *G. Clerk* thought there could be no doubt that the meaning of the Sessional Order, authorizing the Sergeant-at-Arms to take persons into custody found in the House, was limited to that part of the House to which his right hon. Friend, the Chancellor of the Exchequer had referred. No doubt that House had the power, the inherent power, upon the notice of any hon. Member, to cause the withdrawal of strangers from any part of the House. This power had not of late years been exercised in any instance to which reasonable objection could be taken, and previous to a division, he (Sir G. Clerk) conceived that it was a power which it was necessary for the House to have; nor did he imagine that it was one of which the hon. Member for Weymouth (Mr. Christie) wished to deprive the House. He believed the only occasion when a debate in which great interest was felt was coming on, and the exclusion of strangers was enforced, was by Mr. Charles Yorke on moving for a Committee of Inquiry into the expedition to Walcheren, on the ground that the House was going into a very long investigation, and if the proceedings were reported from day to day, it might cause great prejudice to individuals: but the hon. Member (Mr. Christie) had brought forward a much more important question than that of authorizing the presence of strangers; he wished the House to authorize the publication of their debates, on the ground that he thought it unfair to impose upon individuals so severe a task, as that of reporting the debates of the House contrary to the Orders of the House, a task which he quite agreed with the hon. Member was performed with wonderful accuracy and truth, and with a rapidity that made it quite extraordinary how so much could be done so accurately in the time. The hon. Member said, he wished to put it out of the power of any one to proceed against a newspaper for a libel, on the ground of a report of words spoken in the House, for that the party injured could proceed only against the proprietor of the newspaper, and not against the Member; but he did not see how the hon. Member proposed to get out of the difficulty. If an action was brought, he apprehended the answer would be, that the report was a faithful report of words spoken in the House of Commons, but how was this to be proved? Was the Member to be called before any tribunal to state whether he had made such a statement or not. The hon. Member said, that a reporter of *The Times* had been brought to the Bar of the House on account of a report which he had given of a speech of the hon. Member for Montrose (Mr. Hume), but there the hon. Member said, he had not used the words. The truth was, the House would do well to recollect the awkward situation in which only three years ago they placed themselves by attempting to enforce the publication of the reports of their Committees, when at last an Act of Parliament was obliged to be passed, to the effect, that no person should be liable to action for libel upon the production of a certificate from the Speaker, or the authorities of the House, that the libel was contained in a report published by the order of the House. Now, if any such

certificate was to be given in the case of words spoken in the House, the House must make themselves responsible for the truth of the reports, and after that it would be impossible, he thought, that any other publication could be allowed; they must be confined to the authorized debates, which instead of appearing next morning as at present, would not be out for two or three days. The committee on printed papers had recommended that, on committees, members should abstain as much as possible from questions that might be injurious to the feelings of individuals; and now, when there was anything of that nature took place, it was omitted in the report, and petitions containing libellous matter, were printed for the use of Members only; but if the publication of debates was authorized by the House, it would not be possible, he thought, for a Member to shelter himself against an action for libel for words spoken in the House. The consequence would be, to cramp the freedom of debate. Knowing, then, that no practical grievance was inflicted, and that the debates were given fully to the public, he thought there would be no practical advantage in going into committee, and that, on the other hand, if they assented to the proposal they would find themselves involved in a question of very great intricacy, and, instead of adding to the freedom of debate, they would be cramping it, without giving any additional security to shew who now conveyed to the public, reports of what took place in the House.

Dr. *Bowring* said, the real question was, that the House had Orders on the Book which they constantly violated. He thought it was absurd to be consulting on giving additional accommodation to strangers, and yet to maintain an Order on the Book that the Sergeant should take into custody any stranger who appeared in the House.

Mr. *Christie* appealed to the Speaker to give an interpretation of the Standing Order.

The *Speaker* said, that Standing Order was to be interpreted in connexion with the usage and practice of the House. The rule of the House was to exclude strangers. The practice was, that a Member on observing a stranger present, mentions the matter, and the Speaker, without debate, orders his exclusion. But that did not depend on the Sessional Order, but was a right inherent in the House. If not, it would not be possible on many occasions at the beginning of a Session to clear the Gallery for a division on the Sessional Order, because the Sessional Order for that purpose was frequently not passed for two or three days after the commencement of the Session. According to his conviction, this Sessional Order related to the part of the House appropriated to Members.

Mr. *Christie* said, he should leave out of his motion all the words relating to authorizing the presence of strangers, and only retain those which referred to the publication of the debates.

The House divided:—Ayes 37; Noes 84: Majority 47.

List of the AYES.

Aldam, W.	Marshall, W.
Baring, rt. hn. F. T.	Marsland, H.
Berkeley, hon. C.	Mitchell, T. A.
Bowes, J.	Morris, D.
Bowring, Dr.	Muntz, G. F.
Brotherton, J.	Napier, Sir C.
Crawford, W. S.	Pechell, Capt.
Duncan, G.	Philips, M.
Easthope, Sir J.	Plumridge, Capt.
Forster, M.	Strutt, E.
Gibson, T. M.	Tancred, H. W.
Gill, T.	Thornely, T.
Granger, T. C.	Tufnell, H.
Hawes, B.	Turner, E.
Hume, J.	Wallace, R.
Humphery, Ald.	Wawn, J. T.
Hutt, W.	Williams, W.
Jervis, J.	TELLERS.
Leveson, Lord	Duncombe, T.
Mangles, R. D.	Christie, W. B.

List of the NOES.

Allix, J. P.	Douglas, Sir C. E.
Antrobus, E.	Duke, Sir J.
Arkwright, G.	Egerton, W. T.
Arundel and Surrey, Earl of	Eliot, Lord
	Escott, B.
Bagot, hon. W.	Flower, Sir J.
Baillie, Col.	Ffolliott, J.
Baring, hon. W. B.	Forester, hn. G. C. W.
Bentinck, Lord G.	Fox, S. L.
Boldero, H. G.	Gardner, J. D.
Borthwick, P.	Gaskell, J. Milnes
Botfield, B.	Gladstone, rt. hn. W. E.
Bramston, T. W.	Gordon, hon. Capt.
Broadley, H.	Goulburn, rt. hn. H.
Bruce, Lord E.	Greene, T.
Buckley, E.	Hamilton, W. J.
Clerk, Sir G.	Hanmer, Sir J.
Clive, Visct.	Hardinge, rt. hn. Sir H.
Colborne, hn. W. N. R.	Henley, J. W.
Corry, rt. hon. H.	Herbert, hon. S.
Cripps, W.	Hodgson, R.
Damer, hon. Col.	Hope, G. W.
Denison, E. B.	Howard, P. H.
Dickinson, F. H.	Jermyn, Earl

Knatchbull, rt. hn. Sir E.	Peel, rt. hon. Sir R.
Lawson, A.	Peel, J.
Lincoln, Earl of	Pringle, A.
Lockhart, W.	Rashleigh, W.
Lowther, hon. Col.	Repton, G. W. J.
Lygon, hon. Gen.	Rushbrooke, Col.
McGeachy, F. A.	Scott, hon. F.
Mackenzie, W. F.	Shaw, rt. hon. F.
McNeill, D.	Sibthorp, Col.
Manners, Lord C. S.	Somerset, Lord G.
Manners, Lord J.	Sutton, hon. H. M.
Masterman, J.	Tennent, J. E.
Maxwell, hon. J. P.	Thesiger, F.
Neville, R.	Trench, Sir F. W.
Nicholl, rt. hon. J.	Wortley, hon. J. S.
Northland, Visct.	Wortley, hon. J. S.
O'Brien, A. S.	Young, J.
Oswald, J. G.	TELLERS.
Packe, C. W.	Fremantle, Sir T.
Pakington, J. S.	Baring, H.

Custom-House Frauds.] Mr. *Wallace* moved that the evidence taken in the last Session of Parliament respecting the frauds which have been practised on the Custom-house department in London be laid on the Table.

The *Chancellor of the Exchequer* said, he had been desirous of communicating to the House all possible information upon the subject, but he had felt the difficulty of making any satisfactory selection, and the danger of injustice which might be involved in publishing the names of parties at present. He proposed, however, when the papers should be produced to the House, to move that they be referred to a select committee, to determine what portions it would be proper to publish.

Mr. *F. T. Baring* said, undoubtedly there might be good grounds for omitting some portions of the evidence. At the same time he would have been satisfied had the right hon. Baronet come down with that part of the evidence which could be properly produced, with blanks for names where advisable. He wished, however, to put a question to the right hon. Gentleman. The House were aware that for some time grave accusations had been made against the Commissioners of Customs—accusations, not of negligence merely, but of a character so serious, as to render it imperatively necessary, for the sake not less of the public than of the public service, to endeavour to do away with such imputations, under which it was quite impossible that any department of that service could creditably or beneficially proceed. He wished them to be informed at what period it was probable that information would be communicated to the House with respect to these serious charges, and the decision of the Treasury as to any inquiry into their truth.

Lord *Granville Somerset* said, the whole subject, including, among a great variety and extent of matters, the charges alluded to, had been referred to a commission, of which he was a Member; and which had been prosecuting its inquiries with diligence and at a very considerable length. Such was the difficulty and the delicacy of the investigation, that he did not deem it necessary to apologise to the House for the time which had been occupied in preparing the report. He still hoped, however, that in a short time it would be concluded; nor did he doubt that as soon as possible afterwards preparations would be made for laying the result before Parliament.

Motion agreed to.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,

Tuesday, February 13, 1844.

Minutes.] Bills. *Public.*—1ª. Metropolis Improvements. *Private.*—*Reported.*—Sang's Naturalization.

Petitions Presented. By Lord Lyttelton, from Charles Miller, M.A., for Alteration of Tithes Commutation Act; from Rothley, Mountsorrel, etc., in favour of Allotment of Land to Labourers.—By Earl Fortescue, from Belfast, for Enquiry into the State of Ireland.

State of Ireland.] The Marquess of *Normanby*: There are some subjects, my Lords, of such urgent and paramount importance in the mind of the speaker, that they completely supersede and banish all considerations of self. And it is under this impulse alone that I am induced to undertake the task, to encounter the discouragement, and bear the responsibility of bringing before your Lordships a subject of such magnitude as that of which I have given notice, but I entertain feelings of such intensity as to the present danger and future prospects of Ireland, that whatever other disqualifications I may labour under for the task, I shall at least address your Lordships with that earnestness of purpose which, as it most merits, has always proved the best passport to your Lordships' attention. I may allude to another feeling, because it has its rise in no merits of my own; it arises, my Lords, from the acts of others. My Lords, I have another inducement to address you on this subject, that even at present, in the midst

of all this excitement and all this agitation — to the object of which I am known to be opposed — I daily receive proofs from different parts of Ireland of the kindly recollections entertained by a generous-hearted people of one who had sincerely, as they believed, and as in truth he had, their interests deeply at heart. I am, therefore, induced to intrude on your Lordships, and I do so because no one will deny that there is that in the present state of Ireland which imperiously calls for the immediate attention of Parliament. One year since there was an agitation in that country—for an object, which the prudent believed to be impracticable, which the moderate regarded with disfavour, and which was opposed in this country with a unanimity almost unparalleled. This agitation was headed by an individual who, whatever his claims may be to the gratitude of his fellow-countrymen hereafter (and I am far from denying the extent of these claims, which I am convinced posterity will recognise)—had, however, by many of his proceedings, rendered himself distasteful to the large majority of the people of this country. What is the state of things in Ireland now? The Repeal of the Union is not one degree less impracticable, but men's minds are diverted from that issue. They canvass freely, they criticise unfavourably, much of the conduct of Government in relation to these proceedings. It was in 1829, in introducing the Roman Catholic Relief Bill, that the present Prime Minister alluded to the then state of the country. He said, that there were 7,000,000 of Catholics united as one man in the support of that measure. I am far from thinking that so great a number are united now in the present agitation, although the Government appears to think so; but this I do think, that Government has wantonly exercised the power of uniting them against itself. But, my Lords, on the occasion to which I have alluded, the Prime Minister also stated, that the vast proportion of the wealth and intelligence of Protestant Ireland were favourable to the concession. The people of Ireland are not now, it is true, united in the same degree on the subject of the Repeal of the Union, but they do unite in calling upon Government to enquire into the state of the country, with a view to doing something to remedy the evils under which they suffer; and it does also appear, that they come forward, some in one way, some in another, to declare themselves opposed to the proceedings of the Government. In reference to this, I need only allude to the petition just presented, from the leading Protestants in Belfast, and I have reason to state, with confidence, that the feeling embodied in that petition is increasing, is becoming general among the leading Protestants of Ireland, and that much of this arises from the manner in which the question has been treated. I am about to move a resolution, in which it may perhaps be thought by Government, that there is nothing in principle in which they do not concur. I own that that is not the way in which I view it; and I will tell you that candidly—and I will tell you why—it is because I think the principles included in my Resolution are principles which noble Lords opposite unscrupulously opposed, when they were not in power, to which it is true that they gave some plausible lip homage at the moment of their accession to power, but which they have since utterly neglected; and this I think I shall be able to prove before I sit down. But no other proof of the necessity for inquiring into the subject is wanting, than that contained in the petition presented by my noble Friend? Another noble Friend has another petition to present —a petition, the signatures to which give it a share of that species of authority which petitions of former days possessed, and which induced the then Ministers to alter the course they had been then pursuing towards the Roman Catholics of Ireland. My noble Friend who took the chair on the occasion on which that petition was agreed to—the first hereditary subject in Ireland—is a person adverse to putting himself forward on public occasions, most attached to retirement, and one whom only imperious necessity would induce to take the course which he has pursued—I allude to the Duke of Leinster. These influential men are, one and all, unfriendly to the present proceedings of Her Majesty's Government, and all think that remedial and not coercive measures are what the circumstances of Ireland imperatively require. But is this all? Have not the Government, also, by their conduct, conspired to rouse in England, as well as in Ireland, the feelings of the Catholic body. Have not there been proofs of this fact afforded not only by meetings, but by the letter also from one of the first Catholic noblemen in the country, and one of those most opposed to the hon. and learned Gentleman at the head of the agitation — I allude to the Earl of Shrewsbury, in the sentiments of

which the whole Roman Catholic community of England fully concur? All these are things which require that this House should turn its serious attention to the conduct of Government; and I can assure you I speak it with great regret, but with as much sincerity, that I entertain very great alarm as to the present state of Ireland—alarm, my Lords, not indeed of any armed outbreak; but I will not more particularly allude to the nature of what the dread I speak of may be, lest, even by indirectly alluding to it, it might be supposed hereafter, that what I now said actually tended to produce those evils which it is my greatest wish to avert. But, as I commenced by alluding to the kindly feeling shown in Ireland towards myself, I must say that, with respect to any criticisms in which I may indulge on the conduct of Government, or any arguments which I may use against it, I do feel it to be part of my duty to give the most earnest advice to the people of Ireland in favour of patience and obedience to the laws, and I trust that that advice will be there received in the friendly spirit in which I here give it. It appears to me, that when this agitation became formidable, there were two courses open to the Government to pursue, and after having selected one or the other, and followed it up with perseverance, each then might have led to separate and distinct advantages. One of these courses was, to have interfered at once by proclamation, and prosecution, to put down the proceedings complained of. I am, my Lords, far from giving any opinion as to whether such a course would have been a discreet one at the time; but if a course of interference was in contemplation, it would have been more straightforward and more manly to have put it in execution at once. And I say, my Lords, also, that if the Government at that time had in their possession evidence on which they thought they could establish a charge of sedition, it was their bounden duty to have brought it forward at once; and more than this, if it was the intention of Government to have adopted this course—that of not looking at the predisposing cause of agitation until they had put that agitation down—then it would have been desirable to have acted with decision on another account — that of opening and paving the way to those remedial measures to which I tell you, my Lords, you must come at last. But Government did not adopt this policy. I do not blame them for their selection of the course they at the time resolved to pursue; but I do think that it must be obvious that the advantages of the course on which they did enter were contingent, and that its evils were immediate. It would be sure to alienate the affections of some of their more eager friends, and, coupled, as I think it was, with unnecessary violence of expression—to give rise to the impression that they would strike, but they dared not. I must say, too, my Lords, that the best chance for the success of their policy would have been to have accompanied it with remedial measures; but, without expecting them to be just, much less generous, common prudence might have dictated to them that if efficient vigour was not shewn, needless irritation should be avoided, and yet they interfere to prevent their own policy from being fairly carried out, by that most senseless step, the dismissal of the magistrates. With this one exception, my Lords, they did appear determined for some time to persevere, in what their friends were good enough to call, their do-nothing policy. But just at the moment when it seemed that they were likely to reap the fruits of a policy which went upon the assumption, that the agitation would wear itself out, when common sense was supposed to have all along pointed out to them that there was that in the nature of this agitation, that it could not long maintain itself at the point it had then reached, and could not go beyond it without entirely changing its character, they stepped in, altered their course, and proceeded to issue proclamations. [Earl *Wharncliffe*: "Hear, hear."] My noble Friend cheers, but I would be glad to hear from him either an answer or an explanation. It has been said, my Lords, that there was a desire on the part of Government not to give a triumph to one party over another, but it appears that they waited just long enough to give that party a triumph, not over the majority of their fellow-countrymen, but over the Ministers themselves. My Lords, their own organs showed this to be the case, by the contemptuous praise which they bestowed upon the Ministry, for at length adopting the course they had long recommended. These were not simply his opinions. [Lord *Wharncliffe*: "Hear."] My noble Friend cheers, as if that were a new view of the subject. I am not inclined to attribute to political parties, without the best proof to bring the charge home to them, articles which from time to time appear in the

periodicals of the day; I should be very sorry to be responsible for much that had appeared in similar publications with which I might be supposed generally to agree; and certainly it would be very unfair to attribute them, without such proof, to those in office. But in the month of September last my attention was drawn to an article which appeared in one of these periodical publications. I have studied the style much, and think I can trace the hand of an old Friend who knows more of Ireland than any of the noble Lords opposite. The view taken by the writer is friendly to the non-interference of Government with the agitation for the Repeal of the Union—there had been various large meetings in different parts of the country in favour of Repeal; with respect to those meetings which had been held since the accession of the present Government to office, what was said in the *Quarterly Review* of September last?

"The preceding great meetings had all ended without a breach of the peace; and the presumption grew stronger and stronger that each succeeding meeting would have a similar peaceable result * * * And no one, we should suppose, would think of trying a nice point of law by an attempt to disperse one, a series of which had hitherto passed off without disturbance * * * He grew stronger in the belief that the Fabian policy will at last defeat him; what will, what can he do, if he cannot provoke the Government or the Protestants to a collision? * * * He may do some public mischief and create much individual distress; but whilst the Government and Protestants can remain on the defensive, he can do no more, and the mischief may be considered as a temporary inconvenience, compared to the calamities which, without a contrary course, would certainly be produced."

Such is the opinion of the writer on the policy till then adopted by the Government, and which he no doubt supposed would be consistently pursued. They, however, changed their plans and pursued a course directly opposite, they issued a proclamation on the evening of the day preceding the great intended meeting at Clontarf, that proclamation was postponed to the very evening before the meeting, although every fact of the case had been before the Government three weeks. I should wish to know whether any noble Lord has ever heard a single man, in private conversation, defend the Government in that proceeding, and whether so much rashness, following such unparalleled vacillation, is not perfectly consistent with the whole conduct of this Government. I should like to hear some satisfactory explanation given of such conduct. If it is defended in this House it will be the first time that it has yet been defended either there or in any of the organs of the Government ["Hear, hear," *from the Ministerial Benches.*] I shrink not from these cheers. If the noble Lords opposite have anything to say in favour of this act of the Government—and it is not a trifling and unimportant act, but an act for the adoption of which their responsibility is great—I am sure that I shall not hear from them any of those taunts which have already been so unsparingly used against those parties with whom the Government has interfered—taunts of cowardice against them, because of the obedience, on the appearance of the proclamation, which they had manifested towards the laws. What the defence of the noble Lords opposite may be I know not, and I will pause for that defence until the noble Lords have an opportunity of converting their cheers into intelligible language. I think it is hardly necessary that I should on this occasion give my own opinions on the question of Repeal, because it happens that I have been in a situation which has enabled me to give that opinion already as strongly as any of their Lordships—not only within those walls, but face to face with a considerable portion of the Irish people. I will pray your Lordships' attention while I allude to one particular instance, and mentioned when it occurred. In the year 1836, while making an excursion to the south of Ireland, I received an address proceeding from a very large proportion of the inhabitants of one of the ridings of Cork, in which those, and they were many, who had previously entertained sentiments in favour of Repeal, had, in consequence of measures which they had every reason to expect would be introduced by the existing Government, given him assurances of altered opinions on the subject of Repeal. On that occasion I stated to them, as the ground on which I thought it fair that the question should be met, that they did me but justice in believing me to be their sincere friend, and that in that sincerity it was, I told them that my opposition to the Repeal of the Union was founded on, and in exact proportion to, my love for Ireland herself. That opinion

was given at that time in answer to the Address of nearly 100,000 of the inhabitants of the West Riding of Cork, assembled at Mallow, and embodied the principles of the Resolution which I am about to propose to your Lordships. It was said to me on that occasion,

"We seek for equality with the British people, common interests, and reciprocity of benefits, and to be legislated for as a part of Great Britain. With less we will not be content."

And I told them that with less they should not be content. But when I state my opposition to Repeal, I will say to those who advocate that measure, believing them to be sincere in their declarations that they do not intend to interfere with the rights and prerogatives of the Crown — and if they are not sincere in those declarations, they must be met by other arguments—that Repeal would not secure for them that which they desire from it—that leaving untouched, as the declarations of the Repeal Association propose to do, the prerogatives of the Crown and the privileges of the Peerage, it could not secure to them that power of progressive legislation on many subjects, which is what they really want. But whilst one feels this strongly, it is a perfectly legitimate subject on which any one may entertain a difference of opinion. Even after sixteen years trial of independent legislation, some of the greatest men of that day then in the zenith of their intellect, did not view the question in this light—not merely Irishmen carried along by the first outbreak of overflowing nationality, but a noble Friend of mine now no more, till lately the sound expounder of constitutional law in this House (Lord Holland), and another still living, but prevented by the state of his health from attending (Lord Grey), who had long been the first ornament of your Lordships' House — if we go to Ireland, we find that almost every leading man of different parties, who has since been a sharer in the government of that country, had resisted that which we now maintain as synonymous with British connexion, I may and do believe, that we are right and they are wrong, that the annihilation of British connexion would, according to the natural operation of cause and effect, be the result of the continual conflicts of two independent legislatures. But are we to found on such an assumption of our own, accusations of intentional treason against those who, justly dissatisfied with, must, in the actual condition of their country, ask for the restoration of that which existed in eventful times, was established with the sanction of all parties here—there having been in 1782 actually a struggle between the outgoing and in-coming Government, which should have the credit of establishing the independence of Ireland;—and this independent Parliament existed for sixteen years, and was destroyed by means which it is now every where admitted do not fear inquiry, and in the teeth of some of the former friends of British connexion, some of the first names of the day. I will repeat at the same time in 1844, as I stated in 1836, that my opposition to Repeal is founded on my love for Ireland herself. But we are now told that this freedom of opinion should not be carried too far; that the Government has adopted the policy set forth in the Speech from the Throne at the last prorogation of Parliament. And what is the tone of this Speech? It is a most constitutional doctrine, that for any thing stated at the conclusion of the Session, perhaps more than at the commencement, Ministers are to be held responsible, and it is more than ever desirable that they should be most careful in any statement they make on such an occasion; but they stated in the Speech from the Throne, at the conclusion of the last Session of Parliament, that Her Majesty relied on the solemn declarations of Parliament. Why Parliament had made no solemn declaration—unless it was a former Parliament. In former days—in a former reign, Parliament had made such a declaration. [Lord *Wharncliffe:* "Hear, hear!"] The noble Lord cheers: but does the noble Lord mean that it is according to the practice of the Constitution to allude in a Speech from the Throne to a declaration made in a former Parliament, and in a former reign? I believe it to be quite unheard of. What is the object of a dissolution of Parliament, but to appeal to the sense of the people, and how is a new House of Parliament to be held responsible for the declaration of a former Parliament? [*Marks of dissent from the Ministerial side of the House.*] Well, then, surely the noble Lord does not mean to say that the declaration of a former Parliament is more binding than an Act of Parliament? and I allude to what happened about the Union of Scotland. Seven years after the union of that country with England, a motion was actually made in this House for a Repeal of the Union, and was

lost only by a majority of three; the number of Peers present being equal, and the majority consisting of three proxies, and, also, within seven years of the passing of that Act of Parliament, the Duke of Argyle, with a deputation of Scotch Members, waited on Her Majesty, Queen Anne, and declared to her personally, that if their discontents were suffered to continue, they might be raised to such a pitch as to prompt them to declare the Union dissolved. That was in times renowned as good constitutional times, and it shows that the noble Lords opposite are a little incorrect in taking the declaration of a former Parliament as binding on them. Lord Sunderland on that occasion declared, that he was one of the persons who took part in carrying the Act of Union, but if it did not answer its purpose he would be quite ready to vote for its repeal. But if the noble Lords opposite attach so much importance to a declaration of Parliament, why did not they get it?—there could be no difficulty—but if they had obtained such a declaration, there must have been attached to it a similar declaration to that which had accompanied the Address in 1844, that they would attend to the complaints of the people and redress their grievances, and if they had done so they would have been told, that "while in opposition you thwarted the efforts of those who wished to redress the grievances of the people, and since you have been in power you have taken no step at all to do justice to Ireland." But there is another point of that Speech to which I must refer; I mean that part of the Speech in which Her Majesty is made to allude to the persevering attempts to excite discontent. There may have been such attempts; but those who advised that Speech should recollect that there were two ways of making persevering attempts to excite discontent—by a denial of that which was just, as well as by agitation for that which was impracticable. Let your Lordships carry back your recollection, and see if there were no phrases used, if there were no measures refused which render them answerable for much of the discontent which exist. What was said by my noble and learned Friend on the Woolsack? All who know that noble Lord in private, are well aware that there can be nothing more foreign to his nature than any persevering attempt to excite ill-will and animosity. But public men must be judged by their public words, and he did make use of a phrase in that House calculated to excite discontent far and near, and if parties are condemned for using the word "Saxon" with the purpose of exciting discontent with the powers which govern Ireland—and a most improper attempt it is—and draw comparisons between the origin of the Irish people and the people of this country, or of the religion of the Irish people and that of England, let it at least be remembered that for doing so they have a very high precedent. [The *Lord Chancellor:* That was two Parliaments ago.] If that is the best defence that can be made for it—the noble and learned Lord says it is two Parliaments back—it is bad indeed. [*Laughter.*] But I must say this is too serious a subject on which to jest. It was by those unfortunate words that impressions were made which have outlived those two Parliaments, and it may take many more Parliaments before their impression will pass away. I know that far and wide, in the autumn of 1836, in every part of Ireland, the feelings that were so widely prevalent, were greatly exasperated by the insult of that taunt. In those days there was another phrase used, not by any noble Lord actually in power now, but countenanced by many of the supporters of the present Government. It applied to the other House of Parliament, and was made at a public meeting. They were told that the Government was supported only by an Irish majority. I say, that any man who used that phrase, if he was an honest man, must have been in his heart a Repealer. To draw that distinction between Members coming from one part of the country or another, is striking a vital blow at the principle of Legislative Union. If it is the intention to draw such a distinction, it is at once departing from the principles of the Union, and is as much as saying that Ireland is not a part of the United Kingdom, but is a province. Am I singular in this opinion, not as applied, perhaps, directly to these words, but that the principles of the Legislative Union are, that perfect equality shall be maintained? That is an opinion, not only delivered by me, but by much weightier authority—delivered in Ireland from the bench of justice, in 1833, by a learned person who is now no more, Mr. Baron Smith, the father of the present Attorney-general of Ireland—of whom I will say a word presently. That learned Judge, in his charge to the Grand Jury, said:—

"As long as England conforms to the true principles of the Union, I shall wish the strict

and blending connection which is established to subsist. But one of those principles, and a main one, is this, that Ireland, which before the Union, was an independent, though connected country, should by the Union, not have lost, but incorporated its independence, and become of the British empire—not a province, but a part. We owe what we call allegiance to the Union, but not to any connection substantially different from what the Articles of the Union have subscribed. It is our charter for which we have paid a weighty price, which it is our right and duty loyally to defend, and which but with our lives we ought to surrender. If we were violated (but it never will be), an Irishman's duty might become very different from what it is."

That was the opinion of Mr. Baron Smith, not before one of those popular assemblages, where since, others of his family had distinguished themselves; but it was delivered from the judgment-seat, and therefore bore with it all the weight of his judicial character. But the attempt of noble Lords opposite is one which has never succeeded, and never will, and that is under free institutions, to attempt to govern by a minority. That is the whole question at issue, and that, I say, is attempted in Ireland. Have they ever attempted it any where else? What is their conduct in Canada? Is it not felt there that the only way to secure the affections of the people is to govern by the majority, and not by the minority. Look at the despatches and instructions of the last two Governors, and compare the state of Canada now to that of Ireland. I wish to allude to one point before I conclude, and I may as well introduce it here. It has again and again been said, that the whole of the influence which was obtained in Ireland during the administration of my noble Friend behind me and myself, was owing to our distribution of patronage, and that this patronage was placed entirely at the disposal of Mr. O'Connell. Referring for a moment to Canada, it had been found necessary to give the patronage to those who were represented by a majority in the Canadian Legislature. But I will only now take an opportunity of referring to what I stated myself on this subject, on the motion of the noble Earl opposite, at the end of the year 1837:—

"It has been stated by persons who must know better, that Mr. O'Connell has all the patronage of the Government in Ireland. I utterly and indignantly deny the truth of that statement. Mr. O'Connell, like any other Member of Parliament requiring information from the Government, has, I admit, had several communications with it; but I can confidently state, that the applications of Mr. O'Connell have been fewer than those of any other Member of Parliament. Neither has Mr. O'Connell been consulted more than any other Member of Parliament in any one appointment made by the Irish Government. Mr. O'Connell holds no Government patronage in Ireland, nor does he exercise any of the patronage that belongs to the Government. Mr. O'Connell does not bind nor control me in the exercise of my judgment, or in the distribution of my patronage. I bow to no man. But whilst I bow to no man, like Lord Chesterfield, I will "proscribe" no man. The taunt against me is, that I have treated Mr. O'Connell in the same way as I would treat any other Member of Parliament. So I have, my Lords, and so I will always continue to do. But I fearlessly and utterly deny that the Government has been controlled by Mr. O'Connell, or has consulted with Mr. O'Connell as to any of the appointments that have been made; and as to the charge of the Government having the steady support of Mr. O'Connell, I honestly confess that that is a circumstance, considering how much he carries with him the hearts and affections of the Irish people, that I can regard only as a great advantage, and as one that ought not to be made a matter of reproach. But that Mr. O'Connell influences me—that he actuates me in the discharge of my duties, or that I am governed or actuated by any other than my own sense of right, I utterly and totally deny in the face of your Lordships, and of the noble Lord by whom the charge was brought forward."

That was my statement in the year 1837, when it was easy, if there had been any inaccuracy, to correct it. I repeated it in the discussion which took place in the year 1839, and now that I have been out of all official connection with Ireland for four years, I will appeal to my successors whether all the appointments made in the Church, the Law, and the Police—of course there might be individual exceptions—but I will ask whether the selection of the persons appointed was not made with reference to their efficiency to fulfil the duties they had to perform? I think it right to say thus much, as there is so much ignorance prevailing on the subject. I have always felt that a great deal of difficulty has arisen in governing Ireland in consequence of the way in which the Catholic Question was carried, the persons by whom it was carried, and the time at which it was carried, which was thirty years later than it ought to have been. It is unfortunate that it should have been carried by the persons by whom it was

carried, for from their solemn and repeated declarations previously there is too much reason to apprehend, that they acted entirely at variance with their real opinion. With respect to the mode in which it was carried, it was coupled with many provisions which were useless in themselves, aggravating to the people, and diminishing the gratitude which would otherwise spontaneously have flowed; and I can only account for the difficulties which have arisen by these unfortunate circumstances. But that question having been carried, I think it is unnecessary to trace the course of the different Governments down to the present time with reference to the state of discontent which now exists. I can not be very accurate as to former years, for I was engaged myself in distant parts of the world, and therefore have lost personal cognizance of the events; I can not, however, pass over that period in the presence of my noble Friend behind me (the Marquess of Anglesea) without reminding your Lordships of the devoted zeal of my noble Friend in the cause of Ireland, during that period, of his love for the people, which carried him through all the difficulties which surrounded him, thwarted as he was by those whom he might have looked to for support; while, at the same time, his honest and zealous intentions were but too often misconstrued by those he so much loved, and so ardently desired to serve. But, passing over that period, I come to those of my noble Friends, who succeeded. And first, I will say, that one of the great objects of my administration, and that of my noble Friends was the impartial administration of justice, so as to give confidence to the great body of the people in that administration. Sir John Davies has said, that the people of Ireland were remarkable for their desire for impartial justice, and if that devoted fondness for justice still continues to this time, that I fear must in some degree be attributed to its being to them so rare a luxury. For this statement I have authority of every kind, and among others, of no less a person than Lord Redesdale, late Lord Chancellor of Ireland, who once stated on the judgment-seat that there was in that country one law for the rich, and another for the poor, and both equally ill administered. This declaration was most creditable to that noble and learned Lord, representing in that country as he did a party who were imbued with many English prejudices on that subject. Then, with reference to the purity of the administration of justice, and the confidence of the people in its impartiality, the greatest blow which it has received is the proceeding of the Government in the dismissal of the magistrates last year, for attending Repeal meetings. It is impossible to conceive anything more extraordinary than the manner in which it was done. It is stated, that it was done in consequence of a declaration made by Ministers in that House, and in the other House of Parliament. Why, the first thing that struck me about this statement was its evident insincerity. Is it possible to suppose that the Lord Chancellor of Ireland did not know what the feeling of the Government was on the subject of Repeal? The speeches of the Ministers in Parliament could have conveyed no new information to the Lord Chancellor of Ireland. But then, it may be said, they were not necessary for him, but that they were necessary for the magistrates. Why, upon one occasion, when the present Lord-lieutenant of Ireland was attacked in that House, for something which was said to have occurred in Ireland, he replied that he never read the newspapers. If the Lord-lieutenant did not read the newspapers, why should not the magistrates have the same excuse? But, on constitutional grounds, this was a most unreasonable step to have been taken. Ministers have made many declarations with reference to Reform in Parliament, to the Catholic Question, to the Corn-law, and on other subjects, but these declarations have not always been carried out, for sometimes the person who made them has been the man to propose a very different course. Is the Lord Chancellor of Ireland, then, to be the judge of the sincerity or the steadiness of the declarations of his Colleagues in Parliament, and to act upon the result of such uncertain speculations? But, to pass by this part of the subject, I will say that the dismissal of the magistrates was utterly an inefficient step. If any notice was to have been taken of the Repeal agitation, a graver, a more efficient, a more deliberate step ought to have been taken. The magistrates, if they attended those meetings at all, were likely, as long as they were intrusted with the commission of the peace, rather to see that order was maintained, and so he believed, in many cases, they had done. Fifty-one magistrates were dismissed in different counties, hardly any of whom had before been known much

of as Repealers; but every one of them was irritated by this dismissal, and came more ostentatiously forward. No magistrate had been made less of a Repealer, but many an ex-magistrate had become more of an agitator. But another measure which was taken by me, and followed up by my noble Friend, which I am convinced gave the greatest confidence to the people in the administration of justice, was the selection of stipendiary magistrates; on this I shall have much to say of appointments made, and reductions commenced, but I will postpone it till another opportunity. In another respect, the present Government has been most particularly unfortunate. As to the appointments made by them to the Bench, I will not allude to the manner in which those learned persons now administer their functions; I am only alluding to the fact that those appointments have destroyed the confidence of the Irish people in the administration of justice. As to Mr. Baron Lefroy is it not well known that soon after the measure of Catholic Emancipation was passed, he was not allowed, then being second sergeant, to go the circuit in the place of one of the judges who was ill, which would have been the usual custom? And this, in consequence of a declaration he made, qualifying his allegiance in consequence of the passing of that Act. There is another act of the late Administration which gave confidence to the Irish people —it was the sincere and honest spirit of the Educational System introduced by that Government. Yet Sergeant Jackson, who had vehemently opposed that system in the House of Commons, has been raised to a judgeship. But all these appointments, bad as they are, sink into utter insignificance compared with the appointment of Mr. Smith, to the Attorney-generalship of Ireland. At a meeting in January, 1837, attended by persons all of one party, and with the reporters all of one party, Mr. Smith was reported in the *Evening Mail*, a paper of his own politics, to have said of the Roman Catholics, and it has never been denied by him, "I am sorry to say circumstances have occurred to induce us to believe that they have very little regard for the sanctity of an oath, or little hesitation to violate their compact." Such an observation, the emanation of unscrupulous faction, might have its short-lived triumph, but it ought also to entail lasting disqualification. No situation under Government could properly have been conferred on such a man; but of all situations under Government that the noble Lords opposite should have appointed to the office of Attorney-general a person who had made that declaration, that he would not believe upon oath, seven-eighths of his countrymen, is most astonishing! Either he believed this or he did not; but if he made the statement in a moment of excitement it showed his deficiency of judgment and discretion, and of every characteristic which the noble Lords opposite ought to have sought for in a person they placed in that important office. But supposing he did believe it, then he said that that unhappy man who could form such an opinion of seven-eighths of his countrymen and a majority of the Christian world, was a person wholly unfit for any great public employment. Whatever qualifications he might have had I care not, what his usual discretion might have been, or what valuable assistance he might have given to the Government in Parliament; but this I will declare, that if Government honestly intended to act upon the principles of impartiality which the right hon. Baronet (Sir R. Peel) has professed in his place in Parliament, and which has been solemnly repeated by the noble Lord the Secretary for Ireland, this ought not to have been done. Had I been that noble Lord, I would rather have cut off my right hand than have signed the appointment of Mr. Smith to the office of Attorney-general for Ireland ["Hear, hear," *and some sensation*]. It is not my intention to attack Mr. Smith; I attack the Government through him [*Loud cries of* "Hear, hear"]. I say it is an appointment which the Government ought not to have made: and I will not allude to a more recent instance of Mr. Smith's conduct more than by saying, that it was a bad thing for the Government to have in the situation of Attorney-general a person whom it is utterly impossible they could ever elevate to the Bench. That has been the usual course of promotion of persons who discharge their duty faithfully and discreetly, and I will venture to say, there is not a man in the present or any other Government who would appoint Mr. Smith to the office of an Irish judge. Now, with respect to this prosecution, which has been so judiciously intrusted to Mr. Attorney-general Smith, the parties were charged with *a conspiracy*. I will repeat what I have stated at the commencement, that it was the duty of the Government, if they had evidence of sedition, of seditious meetings, and seditious libels, to

have prosecuted directly for those, and not to have introduced this new system—this monster indictment, with all its accumulation of different charges, the effect of which has been to excite in a large portion of the English public, who had formerly looked with comparative indifference on Irish subjects, a feeling of unfairness with respect to these prosecutions. As to the use that may hereafter be made of this for other purposes I will not say a word; but this I will say, that the noble Lords opposite who attended the Hillsborough meeting in 1834 may think themselves fortunate to have escaped many of the charges which have been laid before the jury on the present occasion. But whether it was right to prosecute for a conspiracy or not, can there be two opinions that these proceedings were least calculated to obtain the sanction of public opinion, which is ever so desirable in such cases? In the first place as to the formation of the jury, one most extraordinary circumstance, and one, I believe, unheard of before, is the loss of a certain portion of the panel. Oh, but that was an accident. I do not mean to deny that; it may have been an accident; but certainly it was an unfortunate accident; for, whereas the proportion of Catholics to the rest of the panel was as one to four, in the slip of paper that was lost the proportion was as five to four. But what became of this slip of paper? Where has it been? I remember to have heard the noble and learned Lord sitting near the noble and learned Lord on the Woolsack (Lord Brougham), in a speech in another place and now twenty years ago, with respect to the administration of justice in Ireland, and in which the choice of judges and jurors was handled in a way that I can never forget,—I remember that noble and learned Lord to have related a story of which I will now remind your Lordships. It was in reference to a Mr. Mac Namara, who stated that he had been asked to undertake for his client to bribe the under-sheriff to tamper with the panel. He was asked whether he had given the money, and he replied that he had not. "Why did you not do so?" "Because he did not do what I asked." "What, was he indignant?" "Oh no, he said the panel was gone up to the Castle!" I never heard of the panel going up to the Castle before; but perhaps of late, since we have had a return of the "good old times," some of these customs may have been revived! With reference to the omission of Catholics, the first thing that strikes me upon this is the ignorance exhibited by the law officers of the Crown as to the political sentiments of the Catholics on the jury panel. It was only a few days ago that the Solicitor-general alluded to the fact that all these people were members of the Repeal Association. But I believe it has turned out that the fact was not so, and that they were not members of the Repeal Association. I know one of them, at least by character, who is stated to be a most respectable person. If he were a repealer he would have said so: but he declared that he was not. Upon this I will say, that it should have the first object of the Government, in endeavouring to procure a conviction, to take care that it was one by an impartial jury. Did they expect that, by omitting all Catholics, they would have an impartial jury. [Lord *Wharncliffe*: Yes.] Well, then, I will only say—[Lord *Wharncliffe*: I meant repealers.] But was there no question between Catholics and Protestants? [The *Lord Chancellor* and *Lord Wharncliffe*: "None,"] What! was there no question between Catholics and Protestants in the city of Dublin! ["None."] Was there not a distinct appeal made to the Protestants to come forward to register and secure a jury? [Lord *Wharncliffe*: "Who appealed?"] I will read the appeal which was addressed to the Protestants by the *Evening Mail.*

"Every thing in Ireland at this moment resolves itself into a question of religion, and not of politics. The agitation is religious—the Repeal is religious—the whole organization of the country is religious; and the struggle, whenever it comes—as come it will most assuredly—will be a war of religion, and not of politics."

When such an appeal as that was made, when committees and agents were appointed to secure a Protestant jury, I do say that it was unworthy of the Government to act the part of a private prosecutor, who endeavours to get a panel in favour of one particular view, and whose greatest objection is to an impartial jury. I have some authority for my view in what occurred very nearly at the time when my noble and learned Friend sitting on the side of the Woolsack (Lord Brougham) made his motion. There was an inquiry into the conduct of the sheriff of Dublin, in a case in which strong party feelings prevailed. The Lord-lieutenant had been very much insulted; and the question was, "What jury should

be summoned?" Mr. Plunket being examined upon the subject in the House of Commons, and in answer to the question, "What panel would you wish?" said,

"I should wish, if possible, a panel of unprejudiced men, and if that is not to be obtained, I should wish a panel composed of persons of all opinions, and not confined to persons of one description only."

On a question of this sort, then, on which the Irish people are immensely excited, the Government should have taken every step for procuring a verdict that would have carried public opinion with it. That is the course which a public prosecutor ought to pursue. One word as to the conduct of this case, and particularly with respect to what has been said by my learned Friend, a gentleman with whom I have always lived in habits of great intimacy, the present Solicitor-general for Ireland. I think it an unfortunate slip, and one that was likely to prejudice the case, when the learned Solicitor-general told the jury that the verdict might affect the law, and that if they did not return a certain verdict upon the evidence which was before them, ulterior proceedings might be taken in another place, and measures be brought forward by the Government in which they would have deep concern. In short, he threatened a Coercion Bill. Whilst noble Lords are told in the Speech from the Throne to abstain from remarks upon Irish questions, lest they may prejudice the jury—how are the intentions of this impartial Government carried into effect by the Government officers? Why, the Solicitor-general, in a speech to the jury, threatens them with consequences in which they, as Irishmen, are concerned as well as others. He threatens them with consequences to them, and their country, on account of the discharge of what is their duty towards both the prosecutor and the traversers. He told them that—

"It was the duty of Government to call on Parliament to give them additional power to put down the agitation. There was no necessity for such a step, for Sir Robert Peel expressed his determination to try the ordinary power to assist him; nor will he, unless their verdict shall have proved the existing law to be insufficient for that purpose."

No doubt it was unintentional, and the next day he retracted it. [The *Lord Chancellor*: "He said he did not mean it."] No, he said "retract." It was all very well to say that he retracted it, or that he did not mean it; but the threat had gone forth, and what good was it for him to tell the jury the next day that he did not mean what he had said? I am perfectly aware of the delicacy, in this place, of saying anything as to the conduct of a judge in the discharge of his duty. I am not competent, indeed, to say anything of the law that has been laid down; but as to the tone of that charge, I must really tell your Lordships what has happened to myself, and then leave the statement to make its own impression. It will be recollected that the last part of the Solicitor-general's speech and the summing-up of the Chief Justice came together: I took up the charge of the Chief Justice, and I actually thought that I was reading the Solicitor-general's speech, not the summing-up, and my reflection was, what a spirited reply it was. I allude to speeches made by a Barrister an eminent man (Mr. Burrowes) twenty years ago, and the Chief Justice quoted this, an Advocate's Address for his client, as authority on constitutional law, he so put the question to the jury, that he mixed up the opinion of Burrowes and of Baron Alderson, that it was impossible to say which was which. A noble Friend of mine (Lord Fortescue) did call the attention of their Lordships last year to another charge of Chief Justice Pennefather, who, in charging the jury on a libel case, ended by saying, "It is a most diabolical libel—it is a most gross and infamous libel;" and I do not think that that was mincing the matter. I should like to put it to any noble Friend who has ever sat in any court of criminal jurisdiction in this country, whether this was the tone and manner in which any English jury should be addressed by a judge? There are many subjects which I should have liked upon the present occasion to have alluded to, and among them are the appointments made by the Government; but I think it better to postpone my remarks till another opportunity. There are many things, also, in the communication of the Lord Chancellor with the magistracy, which, if your Lordships would grant the inquiry, I would bring forward; but with respect to which, if this inquiry be refused, I shall move for papers, and on a future occasion address your Lordships. But there is one thing to which I cannot help alluding; it is to an appointment made by the Lord-lieutenant of Ireland about the time when these proceedings were drawing to a close, when a verdict was about to be given

which intimated the illegality of making physical demonstrations of numbers for the purpose of overawing the Legislature and the Government. The right hon. Baronet, at the head of the Government, has in the other House read a letter addressed to the Lord-lieutenant, giving him advice as to the way in which he should bestow his clerical patronage, and recommending him to attend to the merits of the party to be appointed to the office. The right hon. Gentleman has also on a former occasion—and I owe him gratitude for it—stated that all the ecclesiastical and clerical appointments made by me were excellent, and I think I may appeal to all noble Lords, however much they may differ from me in politics, to confirm that statement. If, then, the right hon. Gentleman at the head of Her Majesty's Government approve of my appointments, how does he justify the appointment to which I have alluded—the elevation of the Rev. Holt Waring to the deanery of Dromore? I will read to your Lordships a statement, taken from a paper of the same political sentiments as the noble Lords opposite, of the arrival of a deputation, headed by this Rev. Holt Waring, at the meeting at Hillsborough in 1834:—

"At an early hour of the morning (some of them, indeed, over night) the great landed proprietors of the county repaired to the different points on their respective estates at which it had been previously agreed they should meet their tenants, and march at their head to the general place of assemblage, so that the area in front of the hustings did not present a very crowded appearance, until the arrival of the men in large masses, each having a pride of marching border fashion, shoulder by shoulder, beside his neighbour and brother, with whom he was ready to sacrifice life in defence of his country and religion. Shortly after eleven o'clock, a tremendous shout from the town announced the approach of the first party. They were from Moira, and were headed by the Rev. Holt Waring, who was drawn by the people. A flag, the union jack, was hoisted at Mr. E. Rielly's, as the signal of their arrival. In a few moments they were seen descending the steep hill from the town, and approaching the place of meeting in a close, dark, and dense mass, comprising certainly not less than 20,000 persons."

[Lord *Wharncliffe*: It was very like a parish priest.] That is the strangest defence I ever heard! In his zeal to defend his noble Friend the Lord-lieutenant in one of his extremely judicious appointments, the noble Lord says, that this conduct "was extremely like a parish priest." [Lord *Wharncliffe*: Yes; go on.] Here followed the remainder of the paragraph as given in most of the papers of the day. I have not a copy by me, but the extract ended with "deployed to the station assigned to him." If this was not a military array by the Church Militant, I can not tell what is, and if the Rev. Holt Waring were not prosecuted, he owed it to the good fortune that his friends were not in office. All those who were in office at that time, would recollect the impression of the Lord Lieutenant, at those proceedings, and that he deemed them most serious; but he had not an Attorney-general Smith to prosecute. By the Government which was now in office, the noble Earl opposite would not possibly have been left unprosecuted: and I must acknowledge that it was rather fortunate for himself and his compeers, that my noble Friend near me, was in office rather than the noble Earl's own friends, or they might have heard more of the 20,000 who arrived with the Rev. Dean, who escorted him to the front of the platform, and deployed around, filed off, and took the position assigned to them. Now, with reference to the declared intentions of the Government, and the expectations which have been held out to the Irish people. The noble Lord, who has had a difficult card to play—the noble Lord the Secretary for Ireland—at his election in 1841, declared somewhat more explicitly what had before been said in effect by other Members of the Government. Lord Eliot on his re-election at Bodmin, on the 22d day of Sepber, 1841, speaking with reference to Ireland, said, "He knew that the policy of Sir R. Peel would be a sound and a wise policy—a policy of peace and conciliation. He would legislate for it in a generous as well as a just spirit." This was the promise held out in 1841. The people of Ireland look to promises made to them: they are willing to believe the best of every thing. But what have they done between 1841 and 1844? What is the proof of the generous as well as the just spirit which has animated their legislation. The only legislation, from that to the present time of any importance, has been the Arms Bill, and in reference to that Arms Bill, I think that what has occurred has justified some of the apprehensions which Members had entertained. It was stated, that at one petty Sessions, the magistrates, but for the presence of Mr. Gore Jones—a much abused stipendiary magis-

trate, of whom they had heard much formerly, and whom I have had often to defend from unjust attacks made upon him for the zealous discharge of his duty—would have done the very thing which the Government which has brought in the Bill told them the legislature had never intended. These magistrates were thereupon told, that what they had done was in accordance with the intention of the Government, and they corrected the error next Session. The noble Lord, the Secretary for Ireland wrote a letter—and a very proper letter I think it—to the magistrates; and although they used to hear that my noble Friend (Earl Fortescue) and myself would not go on well, because we had not the confidence of the local authorities, yet I will venture to say, that neither ever received such a rebuff as the present Government has had administered by Lord De Vesci, and the magistracy of the Queen's County. They plainly told the Government, that the letter of the noble Secretary was an unreasonable interference with them. The mode in which that letter has been penned, showed that it is not very easy to rule when the acts of the Government are not just in accordance with magisterial views. I shall be expected, in consequence of my notice of motion, calling upon your Lordships to examine the causes of the present discontent, to say a few words on the topics opened in the petition this evening presented by my noble Friend behind me (Earl Fortescue), and in the declaration of many most respectable Protestant and Catholic gentlemen connected with Ireland. Certainly, with reference to one question raised in them, I cannot touch upon Irish questions without stating distinctly, fairly, and candidly, in my place in this House, that the present state of the Irish Church should be the subject of further inquiry, and that whilst we hold it as a first principle, that that Church should be adequate to all the wants of the Protestants of Ireland, and due security should be taken that it should be so adequate; that the whole of that question, with that reservation, ought, in my opinion, to be open to the consideration of Parliament. I will say boldly and openly, that I think it necessary, for the safety of Ireland, that the Roman Catholic religion should be put on a footing of equality with the Protestant. I will not now say how far it would be desirable to pay the Clergy of the Catholic religion, but I think that, as in every country in Europe that I know of, in which there is a mixed population of Roman Catholics and Protestants—for instance, Wirtemberg, Bavaria, and Prussia, it should be the acknowledged Church of that portion of the people who belonged to it, with of course, such restrictions and conditions as Parliament should deem advisable. This I say fairly and candidly; and it appeared also to be the intention of Mr. Pitt when he carried the Union, to abolish these restrictions; and with regard to his not effecting his intentions, we must recollect the opposition which Mr. Pitt had encountered. Both in the Irish Parliament and in the English Parliament, the greatest portion of the opposition came from the Protestants. Anything which Mr. Pitt had stated, therefore, must be taken as being most fully intended by him. Mr. Pitt, on the 31st. Jan., 1799, said:—

"It is not easy to say, on general principles, what system of Church Establishment in such a country would be free from difficulty and inconvenience. By many I know it will be considered that the religion professed by the majority of the people, would, at least, be entitled to an equality of privileges."

Mr. Pitt gave a qualification afterwards, the reason for which did not now exist. He said,—

"I have heard such an argument used in this House, but those who apply it, without qualification, to the case of Ireland, forget, surely, the principles on which English interest and English connection have been established in that country, and on which its present Legislature is founded. No man could say, that in the present state of things, and whilst Ireland remains a separate kingdom, full concessions could be made to the Catholics without endangering the state and shaking the constitution of Ireland to its centre."

Mr. Pitt therefore obviously, by the stress he laid upon the present state of things, and whilst Ireland remained a separated kingdom, looked to the removal of these difficulties by the measure of the Union. The opinion of Mr. Pitt on this subject was more fully given on the 21st of April, 1800, when he stated what he had intended in these terms:

"It may be proper to leave to Parliament an opportunity of considering what may be done for His Majesty's subjects, without seeking at present any rule to govern the Protestant establishment or to make any provision on that subject."

That speech of Mr. Pitt was perfectly consistent with the article of the Union, which said, that the doctrine and discipline

of the Church of Ireland should be maintained, that it should be united to the Church of England, and the two henceforth form one Church — doctrine, discipline, and government, are the words used—Establishment is now mentioned, and at the same time used this extraordinary phrase, "in like manner as the Church of Scotland, in Scotland." Now, Ireland was not originally treated in the same way as the Church of Scotland, for the religion of the majority was not made the established religion. And thence much of the mischief which has since arisen. I will request your Lordships for a moment to allow me to refer to the proceedings which took place at the time of the Scotch Union as shewing the spirit of liberality on the subject then prevailing: — "On the Union with Scotland a provision was moved, declaring that when the Presbyterian religion was to be established there, nothing in this act should be construed into allowing the Church of Scotland to be what it was then styled—the true Protestant religion." This proviso was rejected, and the Bishop of Oxford said—

"That in treating with persons of a different religion, and allowing them to maintain the truth of their own religion, he did not thereby weaken his own faith in his own."

He added, as a fact not bearing upon that argument, that they had been often told, when Presbyterian government and presbytery were established in Scotland, that it was a most impolitic as well as wicked thing, for that the best part of the nobility and gentry of that kingdom were against the tyranny of the presbyterian government, and in favour of the episcopal. This was, therefore, a completely parallel case to that which had been alleged with reference to Ireland. But in spite of this representation the Presbyterian religion was established in Scotland at the time of the Union. I only throw this out to show, before we come to a decision on the claims of the Irish people, that there is much in the analogy between the two countries which may require your deliberate attention. With reference to what has attracted much attention, the payment of the Catholic Clergy, without declaring further, I would say that this was a most unfortunate moment to make such a proposition; that those who most desire such a result, could not take a course more likely to defeat their own wishes, than to bring the proposition forward at a moment like the present. And I am borne out in this opinion, by what was stated by Mr. Grattan at the time of the Union. He said,

"The Catholics had been accused pretty liberally of disloyalty by those very advocates who now seem to think it proper to remove their imputed treasons against the King, provided they shall be followed up by real treasons against the people. I do not believe, I never did believe, the general charges made against the Catholics. I do not dispute, I never did dispute, the propriety of giving salaries to the Clergy; but it should be salaries, not bribes, salaries for the exercise of their religious duty, and not wages for the practice of political apostacy."

Without taking the words of Mr. Grattan as strictly applicable to the present state of the Catholic Clergy, but lamenting the part which they had taken in political matters, still I see much of sound reasoning, and much applicability of the reasoning of Mr. Grattan against the proposal of any measures for the payment of the Roman Catholic Clergy whilst the Roman Catholic Priests are in the state of excitement in which they at present are. I cannot, however, mention this body without once more giving my tribute of acknowledgment for the active assistance they have afforded to me—for that activity and zeal which have uniformly been borne witness to in that committee which has been moved by the noble Earl opposite (Lord Roden), in the prevention of outrage and in the detection of offenders. It is common to attribute much of the misfortunes and of the crimes prevalent among the peasantry of Ireland to the influence of the religion of the people, but from what I have witnessed among them I would say, that there never was a people whose faults and sufferings more obviously arose out of their relations with man, and less out of their relations with their Maker. There is no country in the world in which there are such general privations and sufferings, and among whom there is a more general and universal practice of all the social and domestic virtues—who are better husbands, better wives, better fathers, better mothers, better sons; better in short in all those relations in which it would naturally be expected that the fruit of religious instruction would be found [*Cheers.*] No; it is to the struggle for that subsistence which your boasted legislation has failed to procure for them, and which your free institutions have partly withheld from them, that almost all the crimes are to

be traced with which you charge them. And I must say this of the Roman Catholic religion, which with all its pomp and power, is supposed sometimes to foster infidelity amongst its votaries, that I do not believe that there is any where a more wide-spread and enduring sense of religion than amongst the pious population of Roman Catholic Ireland, or more truly Christian relations than subsist between the unendowed clergy and the pauper flocks. I turn now to a question of more general interest—to the question of the franchise, and of the representation. It has been made rather clearer by the declaration which has been made by Ministers in the Speech from the Throne, because if it be once decided that there is to be an extension of the suffrage, it is only a question of degree. I cannot say that I have not great fear that the franchise is very different to that which I should think necessary to do justice to the people and amend the restrictions on the constituency. I own, however, that I am surprised at the declaration made from the Throne on this subject, when I recollected what had passed in the other House of Parliament, and under the administration of my noble Friend behind me. When the Government had proposed a Bill, a noble Lord introduced another; and when it was proposed that this noble Lord's Bill should be stopped till they could see its probable operation on the franchise, the proposal was scouted, there was such extreme necessity for the measure that it must be pressed at all risks. It was a startling, though welcome inconsistency, to be told in the Speech from the Throne, that after due attention had been paid to the subject, there would be brought forward a proposition to extend the franchise to such an extent as the operation of the Registration Bill should render desirable. With respect to this point, your Lordships are not aware of the extent of the inequality which prevails between the franchise in Ireland and in England. If you take the population of Great Britain, including Wales, in round numbers, at 18,000,000, and the population of Ireland in round numbers at 8,000,000, you will find the proportion of the population between the two countries, as $2\frac{1}{4}$ to 1; but the number of electors in England, Scotland, and Wales, is 850,000, whilst the number of electors in Ireland is 100,000; there is, therefore, a proportion of $8\frac{1}{2}$ electors to 1 between the two countries, with a population of $2\frac{1}{4}$ to 1; and if you take the number of Members it will be found at $5\frac{1}{2}$ to 1, with a population of $2\frac{1}{4}$ to one. Then you may be told, that you should look to the state and condition of the population in Ireland, and recollect, that to its misfortune, 2,000,000 of the population are paupers. That is an extreme estimate; but suppose that I strike off the 2.000,000 of supposed paupers, and believe that all the population of England is independent, that there are no workhouses here, no paupers, and take the Irish population at 6,000,000, the population is only 3 to 1 as compared with Great Britain, whilst the proportion of electors is $8\frac{1}{2}$ to 1, and the proportion of the representatives $5\frac{1}{2}$ to 1. I think I hear the First Lord of the Admiralty remark, that the whole question does not depend on the numbers of the population. [Lord *Haddington*: I said no such thing.] I thought I heard the noble Lord say so—suppose it were said, that the representation ought to be a mixed question of population and revenue, but in taking into consideration the extent to which we ought to adopt the principle of revenue, we should recollect, that one of the grounds of the Irish claim is, that they declare, that by the present system their interests are neglected, and the resources of the country are not developed; and further, that so long as Parliament sits in London—and if that is the necessary consequence of its being an United Parliament, then he hoped so it would always do—its necessary tendency is to produce absenteeism, and to reduce the proportion of revenue which would enter into their calculation. It appears by the petition entrusted to my noble Friend behind me, that a large proportion of the Irish people, who are not satisfied with the present mode of Government, but are not yet prepared to advocate Repeal, require that the number of Members for Ireland should be increased, and the franchise extended to a degree which would put the Irish people on an equality as to representation with the people of England. I have said the other night a few words which have been supposed to throw out some manner of doubt as to the appointment of the Government Commission now sitting in Ireland, of which the noble Lord opposite (the Earl of Devon) is the head. I do not now wish to revive the subject, but I should have been more satisfied had the result of what I then said, been to elicit some explanation as to the extent of the inquiry which the noble Earl is to conduct. My

noble and learned Friend on the right made an observation on that occasion which I think that he (Lord Brougham) will qualify on reflection. It was, that to any interference with the relations between landlords and tenants he would object in the same way as to compel a passenger to give alms to a beggar. [Lord *Brougham*: Any interference to compel landlords in the use of their property.] I think that an extreme case might be made out in which the Legislature would clearly find it to be its duty to interfere. The more my noble and learned friend applies his mind to this subject the more will he feel, that there are many points worthy of serious consideration with reference to the relations between landlords and tenants. One is, that in Ireland the landlord has a monopoly of the means of existence, and has a power of enforcing his bargains, which does not exist elsewhere —the power of starvation. I do not say, that there are not a great many worthy landlords in Ireland; but it is undeniable that a great many evils exist, and I have little doubt that a case might be made out, in which the Legislature would find it necessary to correct some of these evils. I disclaim, of course, what passes under the unhappy title of fixity of tenure. That is not the sort of regulation I would propose; but I think some measure might be proposed which would be just and fair and beneficial to both parties. From some connection with Ireland, I think it possible, that the Government without instituting this commission, might have found out some of those points in which an alteration would be beneficial. In reference to this point, I think that people in England are not aware of the different position in which a tenant in Ireland stands from a tenant in England. As to the extent in which the Irish tenant is saddled with repairs, there is a profound ignorance; and again, as to the hardship of the tenant in the proportion which the rent bears to the produce, which has been recently and accurately stated in the publication of an English gentleman (Mr. Wiggens) who had for some time been an agent for estates in England and Ireland. He said, that where the produce for an Irish farm was 150*l.*, the share of the landlord was 100*l.*, or two-thirds; whilst in England, where the produce of the farm was 300*l.*, the share of the landlord in the shape of rent, was 100*l.*, or one-third. Mr. Wiggens went on to say, that the burthens on land in England were double those in Ireland. In England they would be 40*l.* and in Ireland 20*l.*, therefore, the share reserved for the tenant in England out of 300*l.* was 160*l.*, whilst the share of the Irish tenant was only 30*l.* out of 150*l.* I had hoped that the system of attributing the horrible crimes of the people to religious motives instead of to the depravity of the persons, was at an end, but I see, with respect to the Finnoe murder, that one gentleman is reported to have stated that it all came from employing Catholic policemen, and that it was part of their religion to persecute Protestants; but it does fortunately happen, for the vindication, if such were necessary, of the parties, that the person who has so much distinguished himself in the defence of his master, was, I am glad to say, a Catholic, though I am sorry also to say, a Repealer, which I wish he was not. Considering all these circumstances, I cannot help thinking that I have made out a good case for inquiry. I consider it necessary because of a circumstance which has come under my own knowledge. Some years ago, when I was in Lombardy, there existed great and general discontent. In the year 1830, the disaffection was not confined merely to those who indulged in the patriotic hopes of national independence; the administrative dissatisfaction was also universal: since then the creation, or rather the revival of local councils under popular control for the apportionment of local burthens, in the thriving municipalities of Austrian Italy, had entirely removed from those who still longed for national independence, much of the substantial grievances which gained them active sympathy amongst the mass of the people. It had been predicted of those institutions in Ireland, that they would become normal schools for political agitation; that prophecy has not been fulfilled, and these municipal tribunals, imperfect as they are, have tended very much to the tranquillization of the people. Although I have troubled your Lordships at much length, I cannot avoid, before I sit down, calling your attention to one important circumstance — I refer to the almost utter ignorance prevailing in England on the subject of Ireland. It is undeniable that 8,000,000 of people are governed by a nation which troubles itself little about their real condition. The population returns, as regard Ireland, present a curious fact: the return was completed on a day in June, and it appeared

from them that out of the 8,000,000 only 30,000 had been born in England, and half of these were the children of Irish parents while they were resident in this country. It is unfortunate for Ireland that so little knowledge of her character and interests prevails among Englishmen. As to the Government, I believe that none has ever existed which possessed so little actual and local knowledge of any part of Ireland. The noble Duke (the Duke of Wellington) was indeed born in Ireland, and she may well be proud of him, but the exception in his case is more apparent than real, for throughout his brilliant and glorious career, although no man could wish that he should have been anywhere but in the scenes of his triumphs, he has certainly spent the greater part of his life at a distance from his native country. No other Member of the Administration can be said to have any local connection with Ireland.

The *Lord Chancellor*: There are two who have filled the office of Secretary for Ireland.

The Marquess of *Normanby*: I do not dispute the fact, but Sir Robert Peel has been Secretary under circumstances very different from the present: he has been Secretary for Ireland at a time when the toast of "the Glorious and Immortal Memory" was wont to be given from the Secretary's table. His knowledge, therefore, does not apply to the present time, or to the present state of feeling and opinion.

The *Lord Chancellor*: Lord Stanley was also Secretary for Ireland.

The Marquess of *Normanby:* I am unwilling, for many reasons, to advert to the Irish Administration of my noble Friend Lord Stanley. Excepting the noble Duke, there is not a native of Ireland a Member of the Administration. I see among the Ministers several Scotchmen—one, two, three, or perhaps three and a half, for the noble Lord the President of the Council is in part claimed by Yorkshire; but not a single Irishman, excepting the noble Duke. The loss sustained in the death of my noble Friend, Lord Fitzgerald, may be said to have been felt with double severity. Whatever may have been the faults of his early Irish education, sure I am that my late noble Friend's views regarding his native country were always governed by the strictest sense of justice and propriety. It is no wonder, then, that such ignorance of Ireland prevails in England, when among the Ministers themselves there is not one who possesses any personal knowledge; but it would be a great mistake to suppose that the rest of the world look on with indifference; for out of England the affairs of Ireland excite the strongest interest. The power of public opinion is a new feature in the present age; it is, as it were, the creation of peace and civilization, it has now grown to the full strength of manhood, fostered by the diffusion of knowledge, and the interchange of opinions. Public opinion in all the countries of Europe is applied to every great transaction of the world, and this I can say, that strongly as I have at some times spoken, from my keen interest, of the wishes and grievances of Ireland, and much as I have often felt that I have exceeded the sympathies of those I address here, I have never talked with a foreigner, let his political sentiments be what they might, who was well read in the history of Governments, who did not give it as his decided opinion that the prime source of the agitation of Ireland was its misgovernment by England. If this opinion be general, and I have every reason to believe that it is, I must confess that I think in my conscience that it is just; but I trust the time will soon arrive,—and I believe that the mis-government, which all lament, arises out of neglect and ignorance of the real wishes and interests of the people—the time will soon arrive, when even those who are most opposed to the concession of equal rights will feel that they can no longer resist the power of public opinion, and surely it is far better to yield with a good grace than to maintain a resistance as irritating as it is ineffectual. If your Lordships are prepared to go on with the attempt to govern Ireland by a minority: if you are resolved to persevere in what never has succeeded in any country, in any age, or under any form of Government: if you are satisfied to rest the impartial administration of justice, upon the exclusion from all connection with it of those who profess the faith of seven-eighths of the population: if you are satisfied to continue to exhibit to the eyes of Europe the spectacle of a free country ruled by military occupation: if you are content to assert that the sword is the fittest instrument with which to attach Irish affections to the benefit of British institutions; if their religion taught them, even in a vain abuse of its holy

name, to maintain a system of doing unto others what you would not have others do unto you, you will reject the present motion for inquiry, and refuse to affirm the Resolution I have laid upon the Table. But if, on the other hand, your Lordships are disposed to make a declaration, however tardy, in favour of the fitness of conferring equal rights—even yet there may be time for success; it is true delay may now be, as it has often been before, the one ingredient to mar the otherwise certain avowal of conciliation; but if your Lordships will now join in such a welcome declaration, and thus avow the strong opinion of one branch of the Legislature, the loyalty of the Irish people is yet unshaken, their hopes are buoyant as their patience has been of long endurance. I am confident that the pacifying and tranquillising effects of such a welcome change will be as instantaneous as they would be general; and then, and not till then, will you be able to offer to the Sovereign of these United Realms that security for Her Throne and for the greatness and stability of Her Empire which is to be derived from the affections of a happy and powerful, because an united people. His Lordship concluded by reading his Motion;—

"That this House having, in answer to Her Majesty's most Gracious Speech, assured Her Majesty that they entered into Her Majesty's feelings in forbearing from Observation on Events in Ireland in respect to which, Proceedings are pending before the proper legal Tribunal, feel it, in consequence, to be their Duty to take the earliest Opportunity, when no Prejudice can arise therefrom in the Minds of the Jury, to record their Intention to examine into the Causes of the Discontents now unhappily too prevalent in that country. And also, that, with a view to the Removal of existing Evils, and the Restoration of Confidence, this House look to the Development of the only True Principles of a perfect Union, by securing to Her Majesty's Subjects, of all Classes and Persuasions, in all Parts of the United Kingdom, the practical Enjoyment of equal Rights."

Lord *Wharncliffe* said: When my noble Friend laid his Resolution on the Table of the House, I confess I could not understand what was the object he proposed to accomplish. It appeared to me that there was no part of it to which I could not give my assent. True, in another place, a noble Lord, when giving notice of a similar motion, is reported to have said, that if he should succeed in persuading the House to go into committee he should then move certain resolutions which would be highly inculpatory of Her Majesty's Government, and would charge them with grave and manifold offences. But, my Lords, there is not one word in either the Resolution of my noble Friend, or in that of the noble Lord in another place, to lead me, or one of your Lordships, to form any idea that such was the intended course. However, my Lords, the speech of my noble Friend has made all clear; he has made several distinct charges against the Government, and I am here ready to meet him and to thank him for the opportunity which he has given me of making an explanation to your Lordships. The charge made against us is, first, in respect of the agitation, which he says we allowed to go on for the purpose of entrapping the offenders; and, secondly, he charges us with malpractices in our conduct in attempting to obtain a conviction of those persons who were at the head of the conspiracy which existed in Ireland. My noble Friend said, in the first place, that we took the wrong course in the beginning—that there were two courses open to us—first, to allow those meetings to be held—to allow them to proceed; in fact, to allow them to wear themselves out. There might, he said, be persons who would have blamed such a course, but he was not one of them. He further said, we adopted that course in the beginning, but we abandoned it, but without reason, and adopted a course which put us in the wrong. The other, he said, was to have put down the meetings, and bring the persons engaged in them to the bar of justice. Now, I tell my noble Friend, that he is wrong in both assumptions. We never thought the meetings would wear themselves out—we saw as clearly as any body possibly could that they never would wear themselves out. We thought, and still think, bringing together great bodies of people on purpose to intimidate and force the Legislature to pursue any particular course was illegal. We were prepared to say so at all times; but what was the position in which we were placed. It would not do for us to interfere and say these meetings are illegal. No; we were compelled to prove the fact. It was not the mere assembling of numbers of people, who were most carefully kept from committing any breach of the peace—they meeting for a

legal purpose—that was not what we had to look at—it was more our business to take care that those meetings, though held for a purpose legal in itself, did not become illegal by their being held in furtherance of a conspiracy to be carried on by illegal means, for the purpose of attaining an object which in itself was legal. Although the object be legal, no man has a right to attempt to carry that object by means which are obviously illegal, and it was on these grounds we acted. We perfectly knew the danger and inconvenience which the meetings necessarily gave rise to. We knew very well we should be attacked for our policy, and we were attacked on all sides, by friends as well as foes, and hard it was to bear the peltings we received from our friends; still we knew we were acting right, and made up our minds to bear all the obloquy which was cast upon us; knowing we were acting cautiously, though surely, we were content to be called the do-nothing Ministry by our friends, and bear all the taunts of those who were opposed to us. It was our business, before we did anything against those persons who were carrying on those proceedings, to get evidence which we could produce in a court of law, to show that their proceedings were illegal; and I will tell my noble Friend that universal England will not only say that the meetings were illegal, but that our course was right. I tell him that universal England viewed those proceedings as a tissue of illegal proceedings, carried on for the purpose of carrying out a measure which in itself was legal, if carried out without intimidation. We saw those meetings go on, and we knew that seditious speeches were made at them, we knew that most improper proceedings took place; still we allowed them to go on. They grew worse and worse. My noble Friend shakes his head as if to say no, but I say they did become worse and worse; and let my noble Friend allow me to ask him how long before our interference was it that the chief person who conducted those meetings had the hardihood to tell the people of Ireland that no persons in the world had a right to make laws for Ireland, except the House of Lords and Commons of Ireland, in conjunction with the Queen! How long before our interference was the Mullaghmast meeting held? Then said my noble Friend, respecting Clontarf, why was not that meeting allowed? the last as it was intended to be. Why my noble Friend knew not what he was talking about. That was not to be the last meeting, for at the meeting of Mullaghmast, Mr. O'Connell distinctly stated, that he had made arrangements for holding some six or seven other meetings after Clontarf. Well, we did interfere, and I will say this, that if we had allowed that meeting to be held at Clontarf, so near the capital as it would have been, we should have deserved to have been arraigned at your Lordships' Bar for our supineness. To that meeting the thousands were to be marched in military array, and the call for that emanated from the Corn Exchange Association; they were to be marched in regular rank and file, and the horsemen in troops. No doubt that awkward word was afterwards withdrawn and changed into groups, and officers were called wardens; but did not everybody see through the transparency of such flimsy pretexts for getting out of a scrape? Dublin was in a state of agitation and intimidation, and then was the time we chose for putting an end to the mischief. We were in possession of evidence enough to convict those persons who had taken the prominent lead of the agitation; we had evidence of their seditious speeches; we thought the time had come when we had such a case against them as would enable us to bring them into a court of justice without endangering the rights and privileges of the Crown. Where did we interfere? Why, at a place where we were fully prepared—where we could bring to bear upon the given point a large military force—when it was clear that our hands were so strong that we could interfere with the certainty of putting a stop to the meeting without the shedding of one drop of blood,—when we could put down the agitation without the horror of sacrificing human life. Many of my noble Friends around me felt much hurt at our conduct, and joined heartily in the cry of the "do-nothing" Ministry. I entreated them to have patience, and told them that we were watchful of all that was going on. Still it was hard to bear their reproaches, but I hope they will allow me now to congratulate them, because I consider we stand upon much stronger ground than before, and that merely in consequence of the manner in which we have conducted ourselves in respect to what was going on.

Then, my Lords, my noble Friend complained of the lateness of the proclamation for putting down the Clontarf meeting. Now, my Lords, there is nothing in that. The first notice we had of that meeting was on the 28th of September. At that time the law officers of the Crown in Ireland did think that the time had arrived for stopping the agitation and prosecuting the principal offenders. On the 30th they prepared the proclamation, and as soon as it was finished they sent it over to London by post. It arrived in London on Sunday, October the 1st, and at that time Lord de Grey was in England for the benefit of his health, which, unfortunately, was not good. He was sent for; and, upon his arrival, a consultation took place. As soon as possible, the various Members of the Government who were in the neighbourhood of London, assembled in London,—that was on the Tuesday,—the evidence and the opinion of the law officers of the Crown in Ireland were sent down to the law officers in this country, who also advised a proclamation; and, in consequence of that opinion, Lord De Grey left London, and arrived in Dublin on the Friday. As soon as he arrived, he summoned a Privy Council to consider the proclamation; the alterations of "groups" for "troops," and of "wardens" for "officers," had in the meantime taken place, and it required consideration. However, the Privy Council determined to issue the proclamation on the Friday, because they determined to stop the meeting and the proceedings of Mr. O'Connell and his fellow conspirators. It was very necessary to be guarded as to the words of the proclamation. Although it is true, that it was not until the middle of Saturday that the proclamation was issued, yet the moment it was issued persons were sent forth to post the proclamation throughout the city, and people on horseback were sent thirty miles from Dublin to take care that it was generally known. We also took care that there should be a competent force ready on the spot; and I put it to the people of England whether it is not a justification to us, that in point of fact no meeting took place, and not the smallest accident occurred. Now with respect to the trial —but before I proceed to that part of the subject, allow me to say a few words as to the conduct of the Attorney-general, of whom the noble Marquess has spoken in such strong terms. With him I have no personal acquaintance whatever; until he was appointed Attorney-general I not only never saw him but I never heard of him. [*A laugh.*] My noble Friend smiles. I know nothing of the Irish bar; but this I must say, that when he was appointed Attorney-general I heard from all quarters the greatest praise of him. I heard it said by persons opposed to us in politics, "you have appointed the fittest man for Attorney-general;" and although the Irish Attorney-general had been assailed with all sorts of attacks, to-night was the first time he had ever been told of the passage in the speech which the noble Marquess had quoted. With respect to these previous proceedings, my noble Friend seems to think that we gave these people no warning—that we proceeded without any warning whatever. I must say that I think they had complete warning. I do not speak merely of the declarations in Parliament to which the noble Marquess has alluded—I do not speak merely of Her Majesty's Speech at the end of the Session—but I say, that the dismissal of the magistrates was a warning, and ought to have been a warning. It is said, however, that the Lord Chancellor for Ireland did not put the dismissal of these Magistrates merely on the ground of their attendance at these meetings, and did not precisely say, these meetings were illegal; but he put it on this, that after the declaration of Ministers, it was wrong to attend these meetings. I again repeat, that my noble Friend at the head of the Government must have felt, in the first place, that there could have been no justification upon our part, if we had not felt that men who could attend meetings of this description—who might be called on to keep the Queen's peace against the very meetings which they were attending—were not the persons who were entitled to hold Her Majesty's commission. I say, that that was a complete warning, if they chose to take it; and they were told so here in this House. My noble Friend says, that it was not a warning. I am inclined to believe that even those agitators, who make so many speeches, apparently for the purpose of getting them into the newspapers, would not hold that this was not a warning. Let us now come to the trial, and to the accusations which are made against us. It is said, and very truly, that one of the great

benefits of this country is the impartial administration of justice, and that in Ireland, as in England, they have a right to the impartial administration of justice. A word or two about perfect equality by-and-bye; but, with respect to this subject, I say, I defy him to put his finger on any part, not only of this transaction, but of any transaction, connected with courts of justice in Ireland, in which, since the accession of this Government to office, there has been any breach of impartiality or justice to Ireland. The first question on this point is the striking of the jury list. It is said, that there was a great attempt, on the part of the prosecutors, to make out a favourable jury list. My Lords, who began? who first objected? Did the Crown object? No; the traversers first objected. They had a perfect right so to do; but with what object did they object? I take it for granted, they thought the old jury list was unfavourable. It was to be done, according to law, by the Recorder. It was to be done in open court. Protestants might go, on their part, if they thought proper. Repealers—for I will not call them Roman Catholics—might go on their part, and nobody was more complimentary to the Recorder as to this transaction than the repealers, the traversers, and their attorneys. But it seems, that when they came to strike this jury, some of the list was missing, and I believe my noble Friend is right that it did so happen, that a greater number of Roman Catholics were omitted than there were of Protestants. What takes place? But before I come to that explanation, let me ask my noble Friend, what Government has to do with that? He told us the old story about jury lists having been sent up to the Castle, but I say that Government had nothing to do with it. It was the Recorder's business to make out the list, and if a proper list was not sent into court when the jury was to be struck—if any name was omitted, I say, the Government had nothing whatever to do with it. The Recorder may be exceedingly to blame—it may be great negligence on his part, but I deny that my noble Friend has any right to accuse us. It is true there were two lists lost; they were put away, and were found some days afterwards. In whose charge were these lists? In a Protestant's charge? No; they were in the charge of a certain Mr. M'Grath. I have not the honour of knowing him, but I am told that he happens to be a Roman Catholic. It has been said, that somehow or other the Government contrived that the Recorder should do this business, and I suppose we shall now be told, that we had bribed this Roman Catholic. I will not go further into that, but will only say, that there are other Administrations and other quarters to which the charge of bribery may be applied. I say, then, that this was no scheme on the part of the Government. It is true that some of the slips were omitted, but Government had nothing whatever to do with it, and the person who omitted the slips, and who ought to have produced them, so far from being a Government man, was, in point of fact, a Roman Catholic. A few words on the subject of striking the jury. The proceeding is this:—There are forty-eight names on the jury, and the prosecutor and defendant, on either part, have a right to strike off twelve. There then remain twenty-four. I apprehend the right is this—viz., to strike off all whom they think improper on account of any pre-expressed opinion, or from want of education, or from being stupid, or from a thousand other causes. They strike off those particular individuals who they do not think will give a fair chance of success. I apprehend, that if I, as prosecutor, were to try a party for a conspiracy, emanating from a certain Association for a particular object, I never should think that those persons who were either members of that Association, or subscribers to that Association, or who had declared themselves for Repeal, were persons without bias, and to whom I should trust my cause. What happened? We have it upon the affidavit, not of Mr. Kemmis, the solicitor, but, upon the affidavit of the attorney for the traversers, that these people were struck off, because Mr. Kemmis believed them to be repealers. He says, first of all, it appears, that of the twelve struck off, two were undoubtedly Protestants. There remained then ten, of whom eight are not denied to be repealers. There remained then two. The name of one is Hendric. Perhaps Mr. Kemmis, the Crown Solicitor, was very stupid; perhaps other gentlemen were equally stupid, but it does so happen, that there was a great consultation about these two gentlemen, and they firmly believed one was a Protestant, and they continue to believe that he was a Protestant. He was struck

off then, they believing him to be a Protestant. The other man was Michael Dunn. He belonged to St. Patrick's parish; and it appears that St. Patrick's parish was fruitful in Dunns, and that on the list there was not less than four Michael Dunns. It so happens that not long ago there was a petition from that parish in favour of Repeal, and to that petition was appended the name of Michael Dunn. That gave the Crown Solicitor a notion, that this Michael Dunn was the person on the list of the jury who had already declared his opinion in favour of Repeal by signing a requisition for a meeting to petition in its favour, and that he was consequently biassed. But says my noble Friend, "See what you have done, you have excited all the Roman Catholics against you. See what my Lord Shrewsbury has done; see what the Catholics have done." I ask, was it wise on the part of the Catholics to accuse the Government—to accuse their Protestant countrymen of having done that which declared, that they would not believe a Roman Catholic? I deny, that any such thing was done. I differ from the noble Lord who signed the petition—there was no imputation on Roman Catholics—there is no such feeling. It was not because those persons could not be trusted on their oaths, but it was because, whether Catholics or Protestants, they had declared themselves in favour of Repeal, that they were not fit persons to sit on the jury. I hope then, I have established that we were not anxious to pack a jury, or to do anything but give a fair trial between God and their Country to these persons. I now pass to the charge, and I say, that nothing proceeded from the Court or from the Chief Justice tending in any degree to soil the ermine. The Chief Justice listened with the greatest patience to all the proceedings of the Court; he heard all the arguments, he heard all the evidence, and having heard all the arguments and all the evidence, he came undoubtedly to a strong opinion, that the persons charged with the offence were guilty of that offence. My Lords, I say, that a Judge having so conducted himself, having been so patient during that trial, having shown no bias whatever during the whole course of it—having been instructed to give the unanimous opinion of the Bench—not sitting there alone, but accompanied by three other Judges, whose duty it was to express their opinion to the jury—[Lord *Campbell*: On the law.] Not only on the law, but on the bearing of the facts of the case—I say, that it was his duty, if he really believed these persons were guilty, to say to the jury, "If you believe, as I do, these facts, you will find these persons guilty of conspiracy—for it is a conspiracy in law." When, after hearing a trial impartially, and showing no bias on either side, a judge arrives at a full conclusion in his own mind, that the accused is guilty of the offence with which he is charged, it is his duty to give that opinion to the jury. So much, then, for the trials, upon which the noble Marquis has founded almost his whole attack upon the Government. I stand upon our defence here. I say, that the trial was conducted with as much fairness as any trial was ever conducted; that we have done nothing unfair to procure a conviction; that we produced a case as strong as was ever produced in a court of justice; and that the jury have only done their duty in returning their verdict as they have done. I leave it to the people of England, who hear what passes, or who will know to-morrow what passes within these walls, whether we are not acquitted upon this point, or whether there is any one point on the trial on which Government can be blamed. A word or two as to the Attorney-general Smith. No man can lament more than I do what passed upon the trial; but I do not lament it for the sake of Government. The Government had not, in point of fact, anything to do with it. Whether it did harm or good to the Government or to the traversers, I must lament it for the Attorney-general's sake—I lament it for his sake, as I should lament that any man should so far forget himself, even upon the strongest provocation, as to put himself in a position in which he might justly be entitled to blame for indiscretion; but I appeal to your Lordships — I appeal to all men who have common sense — whether there is not a degree of vituperation which cannot be borne, and whether it is not likely to produce such consequences as have been produced? But the trial being over, I agree with the noble Marquess, that it is the duty of the Government for the future, that as the Government has vindicated the majesty of the Law, and asserted the authority of the Queen in her own dominions, it became the duty

of the Government to see what measures could be effected for the future peace and welfare of Ireland. In the first place, I do not think, that an inquiry by a committee of your Lordships' House is the proper course to be adopted in this respect. It is, in my opinion, the especial business of the Government, and the Government alone, to consider and determine upon what measures it will be advisable to propose for effecting the object so much desired by all parties. The noble Marquess then alluded to the Queen's Speech, and, first, as to the Commission of which my noble Friend (the Earl of Devon) is the head. The noble Marquess laid it as a great fault to that Commission, that he did not know its object. Amongst other objects, it is intended, undoubtedly, to look into the relation between Landlord and Tenant—it is undoubtedly intended to see whether something cannot be done to remove matters which must be allowed to be unjust; not to dictate to Landlords on what particular terms they shall let the land—not to deal with tenancies in any way—but to leave it to the Landlord and to the Tenant to make a bargain in letting their lands, but to take care that no injustice is done to a tenant. There are many things to be considered. My noble Friend knows perfectly well, that in the North of England most of the tenants hold as they do in Ireland. No Tenant leaves without a valuation of his stock, and of everything he has on the ground, and of the improvements he has made on it—he is paid for them. If he has made improvements in a certain number of years, according to his bargain with the Landlord, he is repaid, and this is not a mere matter of arrangement between the Landlord and Tenant, but it is a common-law right, or a right by custom, which the courts of law acknowledge, and on which verdicts have been recovered. That is one of the points upon which inquiry is to be made. There are other things into which we are also anxious to make inquiry. We do not intend to interfere between Landlord and Tenant, except to protect the Tenant from injustice — we do not wish to give him a tenure against the wish of the Landlord. The next thing to which the noble Marquess alluded, is mentioned in Her Majesty's Speech, viz., the Registration of Voters. Your Lordships know, that one of the rights to vote in counties is that of a person having what is called a beneficial interest to a certain amount in land. There have been different opinions as to what was the legal meaning of the term, "a beneficial interest." The question should be decided, and the term, "beneficial" should be so explicit that there should be no mistake about it. We think, and upon good grounds, that the result will be a considerable diminution in the number of voters for counties. The Government contemplate revising the present system of levying not only the county but the borough rates, and to confine the collection of them within better defined limits, so as to relieve the people from the greater part of those payments. The next subject to which we intend to direct our attention, is that of National Education. We contemplate taking measures for the better education of the masters and mistresses of the national schools, and we intend making better regulations for the visitation of those schools. The next subject to which we intend to direct our attention, and to which reference has already been made in the other House of Parliament, is the question of giving glebes or other endowments to clergymen in Ireland, whether Roman Catholic or Protestant, who may be in need of such a provision, but especially to create a provision for the Roman Catholic clergy out of a trust fund set apart for that purpose, and if persons wish to make endowments for the Roman Catholic clergy to legalise them; and this leads me to the question of perfect religious equality as mooted by the noble Marquess as to putting the Roman Catholic clergy of Ireland on a footing of perfect equality with the clergy of the Established Church. I have no hesitation in saying that I can not consent to this. It should never be forgotten that by the Act of Union the Protestant Church was recognized as the national Church of Ireland; and we are bound by every obligation to keep it up in preference to all others. It was again recognised as the national Church at the time Roman Catholic Emancipation was granted; and we are not prepared to make any concession on this point, however we may be inclined to create a better maintenance for the Roman Catholic clergy. But how would the noble Marquess carry out his views of perfect religious equality? Does he suppose that the people of this country would go with him? Would he allow the Crown to appoint the Protestant

Bishops and permit the Catholic Bishops to be appointed by the Pope? Would he agree to allow Roman Catholic Bishops seats in that House? To carry out his views the noble Marquess must, in the first place, create a provision for the Roman Catholic equal to that of the Protestant clergy. Does my noble Friend say he would take away any of the property of the Church? Then, if not, where is the provision to come from? Is an annual sum to be paid out of the Consolidated Fund for this purpose; so that not only every Roman Catholic in England, but every Protestant, and every Dissenter as well, is to be made liable. Is the noble Marquess prepared to say, that the people of England will consent to be thus taxed, or does the noble Marquess mean that he would not pay any of the clergy at all, either Protestant or Catholic? That would certainly be equalising with a vengeance! The next plan for effecting this perfect religious equality would be the destruction of the Protestant Establishment in Ireland; but that I believe would not give satisfaction to the people of England. The third plan would be that recommended in an article I have seen in a quarterly publication, and my noble Friend indites articles against us in quarterly publications, but we are not responsible for such publications. Now, the publication to which I allude proposes another scheme in reference to the present position, and proposes equality of the two Churches. The writer proposes that on the death of the present incumbents the incomes of every church, and every piece of preferment, should be vested in commissioners; that the parochial subdivison should be no longer continued; but the country should be divided into congregational districts; and that the commissioners should pay a certain sum to the Protestant clergy and to the Catholic clergy indifferently. I do not know whether that is a scheme which my noble Friend considers would answer the purpose. What is the amount of the value of the livings in Ireland? Supposing they were all vested in trustees for the maintenance of the Protestant and the Roman Catholic clergy, would they realise a fund adequate? The noble Marquess has said that it was a great insult to the people of Ireland, that the Lord Lieutenant should have promoted the Reverend Holt Waring; and when I heard my noble Friend's lively description of that Gentleman's triumphal procession in military array, I could not avoid observing that it reminded me of a priest entering a town at the head of a great body of people about to join some of the late monster meetings of which we have heard so much. I can only say that this clergyman imitated too closely the conduct pursued by the other parties; and all I can add is, that clergymen would be much better employed than in mixing themselves up with such proceedings. But I am at a loss to know, that if some years ago the Reverend Mr. Waring may have attended a meeting avowedly for the purpose of maintaining the Union between the two countries, that should now be remembered and brought forward as a charge against the present Government of Ireland. Then it is said we have lost the confidence of the majority of the people of Ireland. I do not stop to contend that we have not, but we are supported by the majority of Her Majesty's subjects in Ireland, Scotland, England, and the Colonies; but then it is said, we legislate for one part or portion of the population of Ireland, and that no Roman Catholics are promoted to high offices: that is not our fault; we have done our best to invite qualified persons of that persuasion, and if they do not come and meet us in a similar spirit we are not to blame. I conclude by thanking the noble Marquess for the opportunity he has given me of vindicating our acts. We have done our duty; our conduct is before the country; we are ready to abide the result of the opinion of our countrymen; we are ready to aid Her Majesty in maintaining the Legislative Union inviolate, and in upholding the supremacy of the Law.

The Marquess of *Normanby* wished to say in explanation, that he had never offered any suggestion about the paying of the Catholic clergy. On the contrary, he had said that he thought it not expedient to attempt it. But he certainly expressed his wish to see the Catholic clergy put on a footing of equality, which was the object of the Emancipation Act.

The Marquess of *Clanricarde* said, that undoubtedly the noble Lord, the President of the Council had made an able and eloquent speech, and had addressed himself to their Lordships in a tone with which he (the Marquess of Clanricarde) was highly gratified; but he regretted extremely that he could not agree with the noble Lord in by far the greater part

of what he had said. Unfortunately, although the tone of the noble Lord, when speaking of Ireland, had been highly gratifying; and although that tone had been assumed before by some of the noble Lord's Colleagues, yet it had happened that the deeds of those who adopted that tone did not correspond with its conciliatory spirit. He was, therefore, rather disposed to look into the acts of the noble Lord and his Colleagues, than to regard their words, and to see distinctly what it was that the noble Lord declared to the House, and weigh well the value of it. But, before he did so, he would allude for a moment to what had been done with respect to the past. The noble Lord, he thought, was giving great thanks for small mercies, when he expressed so much gratitude to the noble Marquess for the opportunity which he had afforded him of meeting these charges; for, although the noble Lord had met the charges most boldly, yet he (the Marquess of Clanricarde) did not perceive the noble Lord had answered them. The noble Lord had said, "we did so and so, and we leave it to the country to say whether we were right or wrong," but he did not answer the charges made against him and the Government, or justify that which they had done. The noble Lord contented himself with the old story of saying, that he had not read the newspapers. [Lord *Wharncliffe:* I did not say that I had not read the newspapers.] No, no; but the noble Lord said, that he had never heard of Mr. Smith, a Gentleman appointed to be Her Majesty's Attorney-general. Yes; this Gentleman, who was appointed to that important office, was nevertheless a person of whom one of Her Majesty's Ministers had never heard. And why? Because, said the noble Lord, he was not conversant with the proceedings in the Irish law courts. Perhaps if the noble Lord had been conversant with those proceedings, he would not necessarily have been conversant with the name of Mr. Smith. But still the noble Lord might have been aware of the remarkable meeting at which Mr. Smith made himself as remarkable by the speech he delivered there, and by which speech, Mr. Smith, for the first time, became known. But to revert to the mode in which the noble Lord had met the charges brought forward by his noble Friend. It appeared to him, that the noble Lord had not given any answer to those charges. There was one charge which the noble Lord had totally left unanswered—what was the state of Ireland at this moment? and what was it when the noble Lord and his Colleagues came into power. Had the noble Lord attempted to account for the disastrous and calamitous condition of that country. He thought it was discreet and wise of the noble Earl opposite (the Earl of Roden), whom, though differing with him in politics, he hoped he might be permitted to call his Friend—he thought it was discreet and wise in his noble Friend, on a former occasion, to take no notice of the present state of Ireland, considering the attacks which he himself had made, in the sincerity of his heart, with great violence, upon a former Ministry, when the condition of Ireland was the subject of his animadversions. On that occasion, his noble Friend (the Marquess of Normanby) was accused by the noble Earl of being in fact as bad as, if not in truth a member of, the General Association, because he did not take notice of its proceedings, and prosecute the members of it. What had become of that Association? What had been the state of Ireland throughout the whole of last year? and what was that state at the present moment? What was the state of the Government in Ireland? It held authority there by military occupation, and by no other power whatever. That was the fact. No man who resided in Ireland, or who had been there as a sojourner for any portion of time, could attempt to deny it. There ought to be explanation on the part of the Government to account for this state of things, because no new matter had arisen in Ireland. Nothing whatever had occurred in Ireland that might not have been anticipated by Her Majesty's Ministers at the time they assumed office. The right hon. Baronet, at the head of Her Majesty's Government, had candidly said, before being called to power, that Ireland would be his difficulty. And why did he say so? Because he well knew the nature of the Government which he would of necessity have to administer affairs in that country. It was quite evident, from the tone taken by the right hon. Gentleman upon more than one occasion, that he felt embarrassed by the consciousness of the natural complexion which his Government in Ireland must assume, and from the whole tenor of his Government in that country, conducted, as it necessarily was,

by the particular description of men who stood forward to support him. It was a vice inherent in the party which supported the Government, and from which the Government could not extricate themselves. They might have done so at one time. But there was one fundamental error and vice in the policy upon which the Government of Ireland proceeded. He was not now alluding to those party attacks which noble Lords, when in opposition, made against the late Government. He was taking a wider view of the subject, when he said that the great practical vice of the present Government in Ireland was this, that there existed a feeling that the Roman Catholics could not safely be entrusted with political power, or with the exercise of those full and free franchises which the rest of the country enjoyed. The people of Ireland being Roman Catholics, the argument necessarily came to this, that they could not admit the people of Ireland to a full, fair, and free equality with the rest of the country in the exercise of the rights of the subjects of the British empire. That was the argument used upon the discussion of the Catholic question; and it was on that occasion declared by those who now governed the country, that although Catholic Emancipation had been granted, still they had not changed their opinion. The fact therefore was, that the British Constitution was not administered in Ireland, because there was no public opinion recognised in Ireland; there was no appeal made to it, there was no wish to conciliate it. The noble President of the Council had said, that the Government had watched the meetings which had been held with great anxiety until they could find, what he termed, an opportunity to put them down. Assuming that there was great anxiety for this opportunity, he would ask, in the name of common sense, whether the same opportunity was not afforded at Mullaghmast or at Tara, where meetings were held disturbing the peace of the country? and if the Lord-lieutenant had chosen to issue his proclamation, whether they would not have been as easily dispersed as that of Clontarf? There was no reason to doubt it. But when the Government made up their mind how to act, they committed themselves of laches in not following up their act by a different kind of prosecution, for they had alleged that seditious language had been held. If that were true, and seditious language had been held at former meetings, they might have instituted prosecutions before. But he contended it was contrary to the whole spirit and feeling of the people of this country, as well as of the people of Ireland, to let persons go on in a series of acts which were asserted to be not legal, and then at last bring forward an accumulated series of those acts against them whereupon to found an accusation and a charge. It would be absurd to deny that these persons had been guilty of conspiracy in the legal sense of the term, and he believed that the jury had found a perfectly honest verdict. Whatever he might think of the complexion and the religious and political opinions of that jury, he was bound to say he believed they had found an honest verdict. He was told that conspiracy must be shown by overt acts; but overt acts possibly legal in themselves, but tending to an illegal object. But he contended again that it was contrary to the feeling of the people of this country to attack men by that sort of proceeding, a proceeding which was a branch or part of that hateful and odious charge known as constructive treason, the construing a number of legal acts in such a way as to show an illegal intention. It was not a mode of proceeding likely to conciliate public opinion. He would venture to say, that some of those persons who had been tried had no notion they were engaged in a conspiracy any more than the character in Molière's comedy had, that he had been talking prose—they had no idea they had committed the offence for which they had been tried, and that was the opinion of the great majority of the people of Ireland. However, the Government was determined to put down those meetings, and they issued the proclamation, and he differed entirely from the noble President in his opinion of that proceeding. He deemed the steps taken by the Government to be characterised by rashness, and to have incurred the danger of bloodshed. If it were true that the proclamation could not be published until a late hour on the Saturday to stop a meeting to be held on the Sunday, that should have been a reason for the Lord-lieutenant to have acted differently. It would have been more consonant with the discretion and prudence of a Christian Government to have allowed the meeting to go on rather than have incurred the risk of

bloodshed on the Sunday. But, if the noble Lord had read the newspapers, he would have known that the very danger that was deprecated was actually incurred, that the people were assembled in crowds, during the night, to be ready for the meeting of the morning; and until the arrival of the messengers from the Repeal Association in post-chaises, the people were not aware that the meeting would not be allowed to take place. Whatever might be said of Mr. O'Connell, he believed that it was owing to the immense influence of that learned Gentleman, and which he exercised effectually, that that day passed over without bloodshed, the proclamation having been issued, the meeting prevented, and the trials resolved upon. If there was one thing more desirable than another in these proceedings, in a free country especially, it was, that public opinion should go along with them. The first thing was to have an impartial tribunal. He had said, he believed the verdict to be an honest one: he could not know whether it was an impartial one. He knew that it would have been hard to get an impartial jury; but when his noble Friend stated that there had been a call made to the Protestants to come in and fill up the jury list, the noble President asked, in return, by whom that call had been begun? Whether it had begun with Catholic, Protestant, Presbyterian, or Jew, it mattered not to the question. [Lord *Wharncliffe*: What had the Government to do with it?] So much, that before they instituted proceedings, they had a right to look at all the consequences likely to flow from their act; and was it to be conceived by any man that this consequence would not naturally and to a certainty ensue—a discussion upon the constitution of the jury—and that the whole trial would be thought to turn upon the mode in which that jury was formed? He would refer as to a case in point, to the Bill brought in by the Lord Chancellor last year, for the purpose of changing the venue, but which merged at last in the question of the jury. Both parties, the Catholics on the one side, and the Protestants on the other, were inflamed with prejudice, and could it be expected, after ten Catholics had been struck off the list, thus leaving three of the traversers, being Catholics, to be tried by a jury exclusively Protestant, that public opinion would go along with the Government—that the public would believe the jury to be a fair and impartial jury, or that they would be convinced that any real offence had been committed by the accused—the offence, moreover, being one of a constructive nature. Every one of these consequences ought to have been looked to by the Government, anticipated as likely to arise naturally, and to have been fully provided for, before the prosecutions were instituted. There was one part in the proclamation in particular, which struck him as being so rash, as exhibiting so much blundering, needless energy, that, without meaning any disrespect to his noble Friend, who filled the office of Lord Lieutenant—he had no desire whatever to allude to him personally—he spoke only in reference to the Lord Lieutenancy, he being of opinion that this office would be much better abolished—that he was obliged to draw attention to it. He was sure, had there been no viceregal court, and had the powers of Government been otherwise vested, he was sure it was impossible this could have occurred—that such an important proclamation would have been posted up on a Saturday night, thus risking the peace and the sanctity of the Sabbath. There was another circumstance for which the noble Lord was not to be personally blamed—it was the vice of the Irish system of Government. He alluded to the calling on the Privy Council to assist at the deliberations. In general Roman Catholics, who were members of this Council were summoned without distinction; but in this single case, the rule was departed from. The Lord Lieutenant on this occasion was surrounded with his particular adherents, and, with the exception of Lord Donoughmore, there were no Roman Catholics present, though many were within reach of summons. This matter, he could tell their Lordships, had not escaped the observation of the people of Ireland. The noble President was proud because he had got a verdict, and appeared to think that now all was right. He admitted one good consequence that had resulted from the Government proceedings—there had been no more monster meetings. But had the agitation ceased since these meetings had ceased? He did not wish to appear as an agitator, but he occasionally followed that practice which the noble Lord had repudiated—namely, reading the newspapers; and if he were to trouble the House with extracts, he could show that

language had been used upon the subject of Repeal since the date of these prosecutions, as strong, or stronger, even, than that which had been used before. Seditious songs, the diction of which was far stronger, had been printed and copied, he believed, into almost every newspaper. The Repeal Association still existed; the agitators did not intend to give up their agitation. He viewed these things, however, as of comparatively little account; but what he regarded with the greatest anxiety was the progress of the repeal question in the public mind, and the consideration whether the people of Ireland were acquiring more confidence in the impartial administration of Government in that country. The question whether the Irish nation, Roman Catholic as well as Protestant were better contented than they had been with the administration of the executive Government, and of the law, and whether they were better contented with the Legislation of the Imperial Parliament. That was a subject of vital importance to consider, and let not the noble Lord think that because they had a military force in Ireland, which caused any attempt at rising ridiculous—a rising. however, which he, for his part, did not believe had ever been meant to be made—that therefore they had secured the tranquillity of that country. Such a state of things was not tranquillity, nay, it was not civil government, and upon that point he would quote the words of one of the most illustrious men who had ever sprung from an Irish race—he meant Mr. Burke, and who had said that

"The effect of force can be but temporary. By force you may for a time subdue, but you do not remove the necessity to subdue, and that country is not governed which has continually to be coerced."

That was the sentiment of Burke; and let not the noble Lord, then, suppose, because there were fortified barracks in which fugitives from an insurrection might seek refuge, or armed ships in the harbours to shelter the families of those who might be engaged in strife, that therefore the country was in tranquillity and peace. There was much at the termination of the speech of the noble Lord which he was glad to hear, and he would have been still better pleased had the beneficial measures been more general and more extensive. A step had, however, been taken, and a step in the right direction, and he thanked Government for what they had done and for what they proposed to do. He alluded to the proposal for enabling Government to endow the Roman Catholic Church. He strongly felt the necessity for such a measure, and he was delighted to hear this was to be done. He also was glad to hear that the grants for National Education were to be increased. That, however, was undoubtedly an absolute necessity if they meant the present system to be continued at all, for the whole Educational establishment had arrived at that pitch, that the grant must be increased or the system given up. He was one who thought that scheme was the most excellent that could have been devised for joint education. He knew there were great difficulties and objections to be encountered in any attempt at establishing a joint education; but, be that as it might, the present was a wise and beneficent measure, and had worked great benefit to the people. At the same time, if the Government meant that the system should be established in Ireland—if they meant to protect that scheme of National Education, he must tell them it was not only by increasing the grant—and he hoped that the increase would be a large one—but it was not only by increasing the grant even to the full extent by which the system could be thoroughly and practically worked out, that then their intentions would be realised. The plan would never be carried out to its original extent until it was brought in harmony with the Protestant as well as the Roman Catholic clergy. It had been objected against this scheme by a noble Lord opposite, and by others out of doors, that it would not succeed, because it was not supported by the clergy. That fault, however, lay not with the system, but in the unfortunate party spirit which had unfortunately been infused into the system. It was this party feeling which had divided the clergy from these schools. If the Government meant to uphold National Education in Ireland, they would let it be known that it was their intention to bring it in unison and harmony with the working clergy of Ireland, by their choice of the persons whom they selected for employment, and would show that they (the Government) did not approve of those who made violent speeches, and took strong measures to put down and counteract that system, and to excite against it the ill will of the clergy. But the per-

sons who had been promoted in Ireland, had been more distinguished by hostility to the National Educational scheme than by any thing else. He did not mean to assert, that those persons were otherwise unworthy of their promotion; but he must remark, that the very last prelate who had been appointed, however distinguished for ability in other respects, has been more conspicuously before the Irish public in their efforts against the National Board, than in any other capacity. So long as the Government favours and advancements were granted to those who were distinguished for their opposition to the Education scheme, and who had pronounced it contrary to the religion established by law in the country, the ministers would not give real and effectual support to the National Board. The noble Lord the President of the Council had alluded to the Commission for Inquiry into the relations of Landlord and Tenant. They were told that the effect of that Commission would be, that no injustice would be committed by the landlords of Ireland. But that was not sufficient. Care must be taken, that no injustice should be done by tenants also, or they came at once to fixity of tenure. Every one knew the mass of pauperism and destitution which existed in Ireland, and if the Government wished to relieve that, why had they appointed a Commission which could effect no good for a year? It would not be fair for him to deny that there were parts of Ireland where land was too high; but he presumed that was also the case in England, for he occasionally read of cases where landlords returned to their tenants so much per cent. on the amount of their rents. He would say, that at that time of great agitation, when such dreadful crimes were perpetrated, arising out of this very occupancy of land, it was rash in the Government to issue a Commission, which must undoubtedly convey to the popular mind in Ireland an intimation that the Ministers thought the landlords of Ireland were the parties who were doing wrong, and that to them much of the misery of the country was to be attributed. A new Commission had been issued; but the Government did not choose to attend the reports of Commissions which were already on the Table of the House. Now one of the greatest grievances in the rural districts, was the pressure of the cess and local taxes upon the land. There was a report from a Commission, appointed by the late Government, to inquire into the working of the Grand Jury Law, and that report, made in April, 1842, showed him 160,000*l.* might be saved to the counties of Ireland entirely in rates, and cesses, and taxes that pressed upon the tenants. It was of no use appointing these commissions, if when the reports were made, they were laid upon the Table, and no notice taken of them. The report he alluded to, he had hardly ever heard mentioned; it was in the library, but he did not know whether any of the Members of the Government had read it. Then there was the Commission of Inquiry into the Poor-law, and it appeared that now the poor-rate could not be collected without troops and police, and that there was a regular campaign, and an army maintained, to collect the impost in some unfortunate baronies. The grievances of Ireland were such, as every well wisher to that country must wish to see redressed, not by Reports of Commissions, but practically and well. The Commissioners of that Poor-law Inquiry stated, that no one measure could be devised by any set of men for the amelioration of Ireland; but they recommended a series of measures—a system of emigration, of public works, and others, by which much good might be done. The public works in Ireland had paid the Government over and over again, by an increase of taxation. He regretted he could not concur in the defence which the noble Lord opposite had made of the Government. He (the Marquess of Clanricarde) could not admit, that the noble Lord had given any reason whatever—and the responsibility rested with him and the Government. The state of Ireland was now that in which property was insecure, while the law was maintained only by the presence of physical and military force. The present Government had found the country tranquil, and in the enjoyment of a free constitution; they had now brought her into such a state, that she could not be considered as placed under a civil government; and he believed, that unless the Government took much stronger and more effective measures than they had yet taken, the state of the country would not improve. Let it be remembered, that we paying an immense army for doing nothing, were but for upholding the misgovernment of Ireland. He would not hold out any threats; therefore he would not allude to possible contingencies. He knew it had been held, that if England were placed in

a situation of great difficulty, Ireland would add to the embarrassment of the State; but he did not believe this, because Ireland had too great a share in the glory of this country, lightly to desert her in the hour of need or danger. He did not believe, that the Irish would be more backward than they had hitherto been in maintaining the power and dignity of the country. He trusted to the good feeling, to the loyalty, to that fidelity which had been called by the great Grattan, the desperate fidelity of the Irish people. At the same time he thought the feelings of human nature must actuate the Irish as they did other men, and that if this country persisted in governing them by military force alone, they could not hope to retain the affections of the people.

The Earl of *Roden* said he could not allow the unwarrantable aspersions thrown out by the noble Marquess to pass unnoticed. In finding fault with the late Government on account of the various agitations which existed during their tenure of office, he (the Earl of Roden) had held it to be his duty to call the attention of the House to what he conceived to be the misgovernment of Ireland by the noble Lords opposite. He was not influenced by any party views or objects, and was actuated by no feeling but a sincere desire to forward the happiness and prosperity of the country to which he belonged. The noble Marquess had said that when other persons were in office he (the Earl of Roden) had taken no notice of such transactions, but passed them over in silence. He would call the attention of their Lordships to the real facts. On the very first day of the last Session he had taken the liberty of giving notice in that House, that in consequence of the agitation for the Repeal of the Union it was his intention to put a question on the subject to Her Majesty's Ministers. He did, on that occasion, give his opinion as to the circumstances which marked the agitation, and called the attention of Government to its progress. Towards the close of the Session he felt it to be his duty to follow the same course he had always followed on this question, and he again appealed to noble Lords behind him to adopt the measures which the state of public affairs pointed out as necessary. He maintained, therefore, that there was no ground whatever for the statement of the noble Marquess with respect to the line of conduct which he (the Earl of Roden) had pursued. He could not help saying a word or two on the speech of the noble Marquess who had brought this subject forward. He had listened to that speech with great attention. It was a speech of great talent, and distinguished by much information as to the state of Ireland; but throughout the whole of his remarks, the noble Marquess appeared to have taken it for granted that the people of Ireland approved of the course which he had taken when he was in that country, and that the great body of them entertained the same opinions as the noble Marquess. Now, he begged leave to tell the noble Marquess that in that country there was a very large and influential portion of the inhabitants who differed most widely from the opinions and conduct maintained by him; persons who traced the very circumstances in which Ireland was now placed to the conduct of the noble Marquess. It would be in the recollection of their Lordships, that on the inquiry before the Committee (on the State of Crime in Ireland) for which he had moved, many circumstances connected with the career of the noble Marquess in that country were elicited, and no person who considered these circumstances could refuse to admit that persons of all opinions, anxious for the peace and welfare of the country, were opposed to the course which the noble Marquess thought it his duty to pursue during his temporary reign. The noble Marquess might laugh; those times were gone by; but they were now reaping the effects of that wholesale discharge from the gaols which was carried on under the auspices of the noble Marquess, without any reason for the extraordinary course he took. The noble Marquess had uttered very strong language, condemnatory of Her Majesty's Government, referring to the magistrates who were removed from the commission in consequence of the countenance they had lent to the Repeal agitation. But he would ask, were no magistrates removed when the noble Marquess and his friends were in office? Where was the difference between their removals and the removals of his noble Friends behind him? In the latter case magistrates were removed for taking part in an object which was now proved to be a conspiracy, to effect by illegal means the dismemberment of the empire. Under the late Government, one magistrate was removed because his wife had an orange ribbon in her breast on the 12th of July,

and others were displaced for reasons equally frivolous. Among them was the Rev. Holt Waring, the same individual whom the noble Marquess afterwards appointed on the commission of the peace, and who was still on it, as he ought to be, being a man of large landed property. As to the circumstance on which so much stress had been laid, that that gentleman had been appointed to the deanery of Dromore after having attended the meeting at Hillsborough with a large number of followers, the fact was that a great part of them consisted of his own tenantry. Those removed from the commission of the peace by the present Government were men who had supported by their presence the Repeal of the Legislative Union, which meant neither more nor less than the disruption of the empire. Magistrates attending meetings called to obtain that object could not be fit persons to hold the commission of the peace, and he thought Government would have been extremely culpable if they had allowed those men to remain any longer in the commission after they had ascertained their views. The noble Marquess had stated that he conceived it would be much better that the question of Repeal should be legally canvassed in that and the other House of Parliament, instead of putting persons on their trial who had been engaged in promoting that object. Why, that was the very opinion which they (the Ministerial side) held, and therefore it was that they found fault with Mr. O'Connell and the other agitators who were crying out for Repeal. For what reason did they not come to that and the other House to discuss the subject, in order that it might there be decided whether the measure was possible, and likely to be productive of benefit? The agitation carried on during the past year had been the source of numberless evils to Ireland; it had produced the greatest dismay; it had been the means of checking industry, of stopping commerce, and preventing every benefit which would naturally have accrued to the country; and therefore, he confessed that he had found fault with noble Lords behind him for not having before taken measures to bring it to a close. After the explanation of the noble Lord the President of the Council, however, and the effects which would probably be produced by the result of the late trial, he was inclined to think that Ministers were perhaps in the right, in allowing things to proceed to the length they had reached before they struck the blow which now appeared to have been effected. One thing to be remarked was, that many Roman Catholics were as much averse to this agitation as any persons could be, and found it to interfere fatally with their objects of industry, but they were forced to join in it in consequence of the long delay which took place before Government arrested the progress of the agitation. But the old adage was good, "better late than never;" and he trusted the course which had been pursued and the effect produced by the trial would prove most beneficial to all classes of Her Majesty's subjects. Much fault had been found by the noble Marquess with respect to the challenging of the jury, but he thought the noble Lord (Lord Wharncliffe) had given a complete answer to that charge. He begged the House to bear in mind, that the Repeal question had been made a great religious question in Ireland. Almost the whole of the Roman Catholic hierarchy and priesthood had joined the Repeal movement, and therefore it was very natural to say that it had been made a Roman Catholic question. The idea in the minds of the people was this—he spoke not from what he had been told by others, but from what he had heard and observed among the people themselves—it was, that the passing of Repeal must destroy the Protestant religion in Ireland, and establish the Roman Catholic in its stead. That was their opinion, that was what they believed, and, therefore, he said it was now regarded in Ireland as a religious subject. Such being the case, was it not natural to say without at all impeaching the oath of any Roman Catholic, without at all supposing that a Roman Catholic juror was not as competent to give a verdict as a Protestant, that there might be some bias in the minds of the individuals, and that when they came into the jury-box, this bias might be the means of their giving a verdict which otherwise they might not have returned? He would mention a circumstance which would show what caution was necessary on the part of the Attorney-general in choosing the persons who were to be placed in the jury-box. On the grand jury, there were three Roman Catholics. The grand jury found the bill, and after the bill had been brought up, one of the jury came forward, and having

taken the oath that he would keep his own counsel and the counsel of his fellow-jurors, told the judge that he dissented on one point from the verdict to which they had come. He said that this was sufficient to have induced the Attorney-general to be careful as to the persons whom he put on the jury. Had that functionary allowed persons to be jurors who had that strong bias in their minds, it would have been said by every one who looked at the circumstance, that he was not an honest man, and that the Government only wanted to have a sham trial. Under the circumstances, he thought the Attorney-general was quite right in the course he had pursued. The noble Lord had stated at the Table the measures which Government had in contemplation, as sets-off to the coercive steps which had been taken. He should not give any opinion on those questions; they would come before their Lordships in the regular shape; and he should take an opportunity of stating his sentiments regarding them. But with regard to one of those subjects—that of National Education—he felt it his duty to say a word, as one who had opposed in that House, in as straightforward a manner as possible, the introduction of the system. He opposed it on principle—not, as the noble Marquess had said, from parliamentary motives, but because it deprived the people of the Scriptures of Truth; and he declared in that House, when he did oppose it, that these were the reasons why he would not consent to any system of education in Ireland which robbed the people of that country of the greatest treasure and blessing they could enjoy. As a resident proprietor of Ireland, he could not but thank noble Lords behind him for the course they, as Members of the Government had pursued, as to the late trials. He could not but be of opinion they had pursued the course likely to give peace and prosperity to that part of the country, as well as satisfaction to the people of England. He hoped they would steadily continue in their course, turning neither to the right nor to the left, but asserting the supremacy of the law, and determined to apply every means in their power to put down attempts to disturb the peace of the land.

The Earl of *Devon* said, as so much allusion had been made to the subject of the Commission of which he was a Member, and as so much misconception appeared to prevail respecting it, he thought it proper to say a few words, in order that that misconception might be removed. It had been supposed, that the Commission would take a very narrow course in examining witnesses, and that they would not enter on those topics which it was most important to the welfare of Ireland that they should consider. He would state very shortly the course the Commission had taken, and which they meant to pursue. It was in the latter part of November that the Commission was issued to inquire into the Tenure and Occupation of Land in Ireland, and ascertain the burdens which pressed respectively on the landlords and on the tenants. On the very first day of December, he had proceeded to Ireland, and he remained actively engaged in the duties of the Commission till the meeting of Parliament. The course they had taken in order to acquire information was simply this. After deliberating two or three days together, they issued a circular letter addressed to all the boards of guardians, to all the Protestant and all the Roman Catholic bishops, pointing out the subjects on which they wished information, and requesting their assistance in procuring it. He was happy to say, that in every quarter they had met with the most kind answers; all parties seemed disposed to give information and assist them in their inquiries. They had pursued their inquiries in Dublin in pursuance of their object, they had felt it to be their duty to examine there persons of various classes, and they had at the same time made known by circular letters their intention to visit in the course of the inquiry various parts of the country, in order to collect information on the spot. It must be obvious to their Lordships, that they could make no inquiry into the occupation of land which did not embrace all the existing relations between landlord and tenant. It would be their duty to examine accurately all the information contained in the reports to which the noble Marquess had referred, and which, he agreed with the noble Marquess, had not obtained all the attention to which it was justly entitled, and it would be their further duty to consider any measures that might be suggested to them, in order to carry out the recommendations contained in the various reports, as well as any which they might themselves propose. Their proceedings

had been carried on in Ireland up to the meeting of Parliament, and in the early part of March they would again repair to that country and continue their inquiries. He could assure their Lordships there was no part of the relations between landlord and tenant which could be made the subject of inquiry, and on which recommendations could be made, which would not attract their attention. They did not approach the subject with any preconceived idea that the landlords were wrong, or that the tenants were wrong, but with an anxious desire to ascertain what were the causes of that state of things which, unhappily, now subsisted, and had long subsisted in that country. It had been stated, and truly, that the poverty of the tenants was the cause of that state of things. It would be their duty to point out any measures which might appear to them advisable, in order to remove that poverty, and alleviate the distress which now weighed down the agricultural population of Ireland. They would bring their labours to a close as early as possible, and at an early period after, noble Lords would have an opportunity of examining all they had done, and till then, he trusted their Lordships would give the Commissioners credit for an earnest wish closely to examine the subject, and to lose no time in doing so. Of the policy of issuing the Commission it was not his business to speak; he could only say, that the inquiry would be prosecuted through every channel likely to give impartial information, and he had the satisfaction of saying, as far as he had the opportunity of judging, that the desire to furnish this information had been elicited in various parts of the country by the course which the Commission had taken. He might be permitted to add, it was a mistake to suppose that when they were absent from Ireland, they were altogether idle on the subject of the inquiry. Much of the inquiry they could pursue in this country. There was hardly a day on which some portion of his time was not devoted to the subject. Their Lordships would scarcely credit the amount of information which had been laid before the Commissioners, the arrangement of which enforced considerable labour on their secretary. The letters he had that day received were marked 561 and 562, which would give some idea of the extent of their correspondence. As some observations had been made as to the selection of their secretary, he might add, that the choice of secretary having been devolved upon the Commissioners, and many applications from various quarters having been made to them, they had taken all the pains they could in the selection of an individual who had given great attention to the subject, and who had made long inquiry into the tenure of land; and they had every reason to be pleased with the choice they had made.

The Marquess of *Westmeath* said, having been in Ireland for some months, he thought that a very good reason why their Lordships on the other side of the House, who were not perhaps very well disposed towards him, should give him an opportunity of expressing his sentiments on this occasion, in preference, perhaps, to any English Lord who had not been there at all. In giving support to Her Majesty's Government on general principles, some noble Lords were doubtless far superior to him, but in respect to his knowledge of the country, he thought he had a fair claim on their Lordships' attention. He might say that, without vanity, as far as residence could entitle him to say so, he possessed knowledge. He must say, he thought the attacks which had been made on the Government were very unfair. They had been charged with that which they could have had nothing to do with. They had not, and they could not have had anything to do with the arrangement of the jury panel on this or any other occasion. The panel was selected by law, and if there was any person to be blamed for what had occurred, it was the Recorder; and he was not blamed, because it was known that he discharged his duties as an honest judge ought to do. He contended that the language of the Attorney-general, in stating the case, was such as a sound lawyer, and a cool, calm, and dispassionate man ought to have used. There were no flowers of eloquence in his speech. He was in great hopes that the noble Marquess would have come forward with remedies proper for the condition of Ireland, instead of confining himself entirely to blaming the conduct of the present Government since they had come into power. The noble Marquess said, the popular will had not sufficient influence on the representation of Ireland. Were not, he would ask, 105 Members sufficient? Would the noble Marquess ven-

ture to say, that 620 Members in a room were not sufficient to conduct any mass of public business? When that was the case, and when it was known that they might frequently come to vote, but did not, would the noble Marquess tell them, that if there were other Members in the House they would be found more efficient still? If he thought the representation insufficient, he should be as ready as any man to enter the lists on the subject; but he could not conceive on what grounds any rational man could give ear to the charges of the agitators on the subject. When he saw a noble Marquess, who was not connected with Ireland by property or by residence, but who had happened adventitiously to be there, standing up to instruct the Irish Peers in their duty, as if there were not other persons capable of defending Ireland from injustice, in case any had been committed. The noble Marquess had made many insinuations not very complimentary to the magistrates of Ireland respecting their conduct in enforcing the Irish Arms Act. The fact was, that there had been only two places in which there was any attempt to give a strict interpretation to the Irish Arms Act —one in the county of Cork, and the other in Queen's County. This was a subject on which no proper opinion could be given, except by one who had been resident in the country. Who could tell what might happen at any moment? The opinion of the magistrates was, that Repeal Wardens were not fit to hold arms, because, in case of a rising, they would be most forward against Her Majesty's Government. Arms had been refused to be allowed to persons whom it was feared would use them for the purposes of assassination, and for this the magistrates had been denounced as Orangemen, and had had much opprobrium cast upon them. That feeling, however, he rejoiced to say, had been transitory. Their Lordships must know that the magistracy of Ireland did defer their opinions to that of the Government, and the known feeling of the House of Commons. The insinuation, therefore, of the noble Marquess was unnecessary, and came from him with a very bad grace. They were then reminded by another noble Marquess of the burthens which pressed upon the occupiers of land. The noble Marquess who originated the debate found fault with the excessive taxation of the Irish people, but suggested no means whereby it could be diminished. The report of the Committee upon the Grand Jury had been alluded to, in which there was much useful information, with which subjects, as well as that of a new Poor-law, he thought the House should grapple. His noble Friend—whom he did not see in his place—had denounced the Poor-law as much as any man, but certainly not more than it deserved; he did not, however, inform their Lordships that that Law was a Whig measure, which had been imposed on the country by his hon. Friend, a very confident ex-minister, whose assurance had been very well described by the Rev. Sidney Smith. He invited the noble Lords to co-operate with him in bringing about an amelioration of that law in Ireland, to which at the time of its passing he (the Marquess of Westmeath) gave his utmost opposition; when he was answered by a noble Lord, "If you do not take care of your poor, we must see that you shall be compelled to do so." The experiment had been tried—the new Poor-law had been forced down the people's throat, it was completely at a stand-still, and they were obliged to employ an army to levy the rates; and before long the present Government would see that some change was necessary in that law to preserve that country in peace and put down agitation. The noble Marquess, who opened the debate, had touched a little upon the Landlords and Tenant Commission; and from his observations it appeared that he seemed to think that the result of the present state of things in Ireland was a consequence of the price of food being regulated by the landlords. [The Marquess of *Normanby* denied that such had been his statement.] He was glad to hear his noble Friend give that explanation. The con-acre in Ireland was, generally speaking, given by middle men, and not by the landlords. The middle men, in fact, were the rulers of the land; and in the absence of markets, which could not exist in a country where there were not the ordinary money payments for labour, the necessity of occupying the land in this manner was the result. Unfortunately many of those who employed labourers did not pay them in money, and the labouring population were consequently compelled to seek their food in this objectionable manner. Not only had the landlords of Ireland nothing to do

with the existence of this system, but it was to them a great misfortune. With respect to the agitation which had recently been going on in Ireland, he begged to remind their Lordships of a fact which had been dwelt upon on many previous occasions, namely, that the statement of Ireland's grievances had generally been put forward by the leading agitator in that country. He (the Marquess of Westmeath) admitted that unhappily things in that country were not exactly what they ought to be. But yet it was to be observed that, almost upon every occasion when those grievances were laid before the public through the medium of the newspapers, it was done by persons who assumed to themselves to direct the people how they should feel, and what they should do in consequence. He did not, therefore, apprehend the fulfilment of those predictions of evil which it was alleged were hanging over that country at the present time. He (the Marquess of Westmeath) had an intimate knowledge of the feelings of the people of Ireland, among whom he almost constantly resided, and who he was certain, if they were allowed to express their opinions, would declare that they were most anxious that this agitation should be put an end to, and that the government of that country may be so exercised, and the law so administered, as that they may feel that they shall receive protection if they venture to resist the exactions which have been imposed upon them, and which exactions have afterwards been represented as voluntary subscriptions by the parties who have been exciting the country, and disturbing the peace of Her Majesty's subjects within it. The Irish people were an amiable race, but unfortunately were not so highly instructed as could be wished. They were almost generally under the influence of the Roman Catholic priests, of whom, although he did not wish to make a sweeping condemnation, yet certainly they were very much identified with the present system of agitation, as was proved by their own avowals at many of those late meetings which had now been declared illegal. It could not be doubted that the Roman Catholic bishops, with one or two honourable exceptions, were all engaged in that movement. He himself had known a priest, who, upon refusing to allow the repeal rent to be made in his chapel was suspended by his bishop for a month. He mentioned this fact in order to show that he had no intention of making a sweeping charge against the whole of the Roman Catholic clergy, although the greater portion of that body had identified themselves with agitation in that country. Upon one occasion, at Lismore, Mr. O'Connell himself told his hearers, that his friends and colleagues in agitation (alluding to the Roman Catholic clergy) had lately thrown aside their duties of preaching, and he (Mr. O'Connell) had, therefore, himself put on the gown, and taken to sermonising. The clergy and agitators being thus united, the people were made to believe that it was to their interest to act in the way in which they had lately done. The noble Marquess who opened the debate had represented that there was but one feeling throughout Europe with reference to the affairs of Ireland, and he (the Marquess of Westmeath) was sorry to say he believed this to be in a great measure correct, although he did not believe the evils of that country were attributable to the administration of the present Government. The Conservative or the Protestant party in Ireland had declared their sincere wish for the maintenance of the Union between the two countries; but they had not thought it worth while to issue any counter statements in France or any other part of Europe to those which had been issued on the continent of Europe by Roman Catholics of Ireland; but it did not therefore follow, that the statements which had been made in those foreign countries were true.

Lord *Howden* stated, that he certainly should not have taken up their Lordships' time, had it not been for his connexion with Ireland; but he could not refrain from expressing his regret, that his noble Friend should have thought it his duty to have brought this motion forward; or, he should rather say, that in the prosecution of a certain particular object, he should have deemed it expedient to have done so. If the question should come to a vote, he should feel it his duty to vote against the motion, although he agreed entirely with his noble Friend (the Marquess of Normanby) in his wish that equal rights with England should now be given to Ireland. He objected, however, to his motion, on the ground that it was ill-timed, and therefore mischievous; particularly so at this moment, and under the present circumstances, when it was evident that the

result of it would only be to embarrass the Government; and knowing as he (Lord Howden) did of the intelligence and acuteness of the noble Marquess, he could not help thinking that he must himself have been aware that such results must have followed upon his motion. At this late hour of night it certainly was not his intention to follow in detail the two noble Marquesses in their long and splendid speeches. With regard to what had been said by the noble Marquess upon the other side of the House, he entirely agreed, and though he thought proper to make a few general observations—he should not make them in the plural—he thought the speech of the noble Lord who had moved the motion was calculated to excite a feeling in the minds of the people of Ireland that the long standing, compacted, and he would say crying, evils of that country, all lay at the door of the present Government, and that the whole of the mismanagement of that country was to be applied to them, but for whose policy the whole would have been swept away. Noble Lords would, no doubt, give their strenuous support to this motion, from an idea that perhaps a parliamentary vote was necessary to awaken the slumbering energies of the Government; but he thought they would do well to reflect upon what was said of them when they were seated on the Ministerial Benches by that very personage in Ireland, whom he need not name, who never allowed an opportunity to slip wherein there was a chance for him to express his hatred and contempt of them. It would no doubt be disagreeable to his noble Friends to recall to their memory the expressions which had often been used by the individual to whom he alluded with respect to them; neither would he disgust the House by repeating the vituperative epithets by which he was accustomed to designate the Whig party. But he might, perhaps, be allowed to put his noble Friends in mind of one of Mr. O'Connell's speeches, as it might tend to relieve the dull tedium of debate. That Gentleman had stated, with reference to the Whigs, that they were mere bars with which the windows were stopped to keep out the cold; that they were not worth one farthing except for the purpose of keeping other parties out. There were two accusations which were generally thrown in the face of the Government; one was, that they were an indifferent or do-nothing Government; the second, that there existed an hostility to Ireland. Could any man say, that at this time of day such a thing as hostility to Ireland was possible? Could it be believed? And yet such charges had been brought in inflammatory speeches by parties who were not responsible in situation, and who, therefore, might say anything which would suit their views, while, on the other hand, the Government were responsible for even any indiscreet expression which might not have a dangerous tendency. Could any man believe that Ireland was not the last thought at night and the first in the morning? There was no more insidious manner of agitating Ireland than by telling that high and noble spirited people that they are neglected by this country; for the Irish, as was the case with all people with noble affections, are a credulous people. He believed that, on the whole, two-thirds of the time of Parliament had been occupied by Irish affairs, to the exclusion, very often, of other most pressing matters. He did not find fault with this. On the contrary, he thought the state of Ireland, and the happiness of its people, were subjects deserving and requiring all their consideration. But could there be any imaginable object in the minds of the Government, even for their own security, and perhaps that was putting it in the most selfish point of view, that could be paramount to the welfare and tranquillisation of Ireland? What use was it, then, except a party use, under any pretext, however plausible, thus to add agitation to agitation, and embarrassment to embarrassment? The wording of the noble Marquess's motion was so inoffensive that he had certainly nothing to say against it, it being, in fact, much milder than could have been anticipated, or than it would have been three or four days back, when perhaps he imagined that the proceedings in Ireland would have turned out very different to what they have done. But now that the law in Ireland had vindicated itself with its own right hand, he hoped with his noble Friend, and with equal sincerity, that all just complaints might be removed from that country, and that its happiness might be promoted by every possible means. Still he believed that one necessary condition for the happiness of Ireland was an insurance of its tranquillity; and he had no hesitation in avowing his concurrence in what was said

by the noble Earl who moved the Address, though at the time he highly disapproved of it on the ground of its being impolitic, that if by chance (which God forbid!) at a future time any measure should be wanting for the welfare of Ireland, to give strength to the Crown or peace to the subject, the call would not be made in vain. His noble Friend had given his opinion upon the Union between the two countries. That was a subject which he should hardly think it right to mention, as he was convinced that every noble Lord in that House was determined to preserve it inviolate; though he was at times inclined to think that some of them—sometimes by acts, sometimes by speeches—did what they could to make it an unhappy Union. With regard to the Repeal of the Union there were two classes of persons—the deluders and the deluded. Among the latter there were a great number of persons who believed that it would lead to good, and to whom nothing was wanting but that instinct of self-preservation which Nature had given to all other creatures. He would say, that the preservation of the Union was but a secondary question to England, whereas to the people of Ireland it was of vital consequence, for, if they should be so unfortunate as to have their wishes conceded,—

"Magnaque numinibus vota exaudita malignis,"—

if they were to cast off the tie which bound them to this country,—if England were to leave them to themselves, not fifty years would roll over their shores before the vaunted "flower of the earth" would be plucked by some unfriendly hand, and the "gem of the sea" would be "set in the crown of a stranger." He asked their Lordships' pardon for trespassing so long on their attention, but there was something so unfortunate in the noble Lord's bringing forward this motion at the present moment, as to force him to give his opinion in condemnation of it.

The Marquis of *Normanby* wished to correct a supposition of the noble Lord's and to declare that it was utterly unfounded. He had not altered the terms of his motion; it had not ever been in any other shape; he had never contemplated any other motion; and this had been seen by some of his noble Friends six days ago.

Lord *Beaumont* said, that when his noble Friend, the President of the Council, sat down, he felt both pleasure and satisfaction—pleasure, because the measures proposed by Government were indications of a liberal policy—satisfaction—and satisfaction of a personal nature, because the explanation which he (Lord Wharncliffe) had given with regard to the jury in Ireland, justified the conduct which he (Lord Beaumont) had thought proper to pursue, for he not only had declined joining with his co-religionists in complaining of the striking off the Catholic jurors in Ireland, but had tried to persuade many of them not to join in the outcry, and had actually succeeded in prevailing on some to absent themselves from the meeting called on the subject. He was sorry, however, to say, that that feeling of satisfaction was partly shaken by what had since fallen from the noble Earl opposite. If his interpretation of that noble Earl's speech was right, if he had understood the drift of his argument, a slur had been cast indirectly on the Roman Catholics of Ireland. If he mistook not the noble Earl's meaning, the noble Earl had justified the Attorney-general in challenging the jurors, on very different grounds from those which had been so clearly stated by his noble Friend the President of the Council, for the noble Earl had founded his justification on the ground, that the names objected to, were those of Roman Catholics, and not on the ground, that they were those of Repealers; and that Roman Catholics were objectionable, because—for this was the argument of the noble Earl—they believed, that if the Repeal of the Union were carried, the supremacy of the Catholic Church would be established in Ireland, and that, therefore, however unjustifiable they might deem the measures adopted for obtaining a Repeal of the Union to be, they would, as they adopted the Jesuitical principle that the end justified the means, be biased and prejudiced as jurors.

Lord *Roden* wished to explain. What he had stated was, that the people were taught to think, that if Repeal were carried, the Protestant religion would be destroyed, and the Roman Catholic religion would be established instead of it. That that being the general feeling, he thought, particularly after the instance of the grand juror whom he mentioned, who, after taking an oath

to keep the Queen's and his fellows' counsel, afterwards declared, in the face of the Court, that he did not assent to the finding of the bill of indictment,—that the Attorney-general was bound to be very careful in not putting into the box those who would have such a bias. He said this, without in any degree disparaging the Catholics, or saying that they were not as good as any one else.

Lord *Beaumont* said, he would accept the noble Earl's explanation, and in order to make the explanation consistent, he must suppose the noble Earl to believe, that a jury of Roman Catholics would have found the same verdict as the twelve men who were sworn. [Lord *Roden*: "I will not say that."] But that is the very point to which he wished to come. The noble Earl must allow that, or the imputation he complained of is not removed. He (Lord Beaumont) would allow, that the Attorney-general was justified in objecting to every juror who was tainted with Repeal, and the noble Earl might even say, that as some of the leading Repealers frequently boasted, that the majority of Roman Catholics were with them, the circumstance of a jury professing that religion was good grounds for concluding that he was tainted with Repeal opinions. But this objection was previous to the jurors being sworn, and even if acted upon, did not imply that if they were sworn, they would not act contrary to their previous bias, and return as conscientious a verdict as that which had actually been given; in which case the verdict would have been the same. [Lord *Roden*: "I would not go so far."] The noble Earl would not go so far as to say, that the verdict would be the same. What then did he mean? If he thought the verdict a right one, and that it would not be the same if the jury were Roman Catholic, was not that accusing them of bias even after they were sworn? On this ground, he had a right to complain of the noble Earl. The case was self-evident — the same evidence would have been produced before them—the same law laid down, the same facts proved, and the same conclusion must have been come to as had lately been arrived at, if the Roman Catholic jurors would have given, when on their oaths, as conscientious a verdict as that which had been conscientiously returned by the twelve men who had composed the jury which had actually pronounced their decision on the case. This he believed, would have been the result if the jury had been Catholic, and on this account he maintained, that the traversers had nothing whatever to complain of. The Attorney-general was justified in striking off those whom he believed to be Repealers; the cause of the traversers was no ways damaged by the circumstance of there being no Catholics on the jury, and the verdict must have been the same even if the whole twelve had been members of that persuasion. The noble Earl still declined to assent, but he (Lord Beaumont) would take the bright side of the picture drawn by his noble Friend the Lord President, instead of looking at the darker colouring given to the subject by the noble Earl opposite, and admitting the explanation given by a Minister of the Crown as the most likely to be the correct one, he (Lord Beaumont) would drop the subject by assuring their Lordships, that he believed the Attorney-general had only done his duty, and done it in the most conscientious manner. In regard of the general question, he (Lord Beaumont differed from his noble Friend (Lord Howden) who had just addressed them; for he (Lord Howden) objected to the measure on account of the time it was introduced, whereas, he (Lord Beaumont) supported it on that very ground. He thought the present was the most fitting and proper time for the House to adopt such a resolution. If their Lordships ever remembered anything so unimportant as what had formerly been stated by him, they would recollect that last year he (Lord Beaumont) said, that whatever conciliatory measures they then proposed would be considered as concessions wrung from their fears, and that they ought to suppress agitation before thinking of any attempts to conciliate hostile interests by measures of concession. That had now been done—the agitation had ceased—peace had been restored, justice done, and the present was peculiarly the moment when concessions might be made without detriment to the character of the House or the Government. As they had now carried the law into execution, had put down the system of combined agitation which had been declared illegal, and vindicated the lawful authority of the Crown, they now stood on such high grounds that

whatever they would propose in the way of remedies for Irish grievances, would be regarded not as concessions wrung from fear, but as the acts of their own free will and bounty. The present was therefore, the very moment to consider, what measures of a conciliatory nature might be proposed. He was, however, in some degree disappointed, both with what had fallen from his noble Friend behind him, and with what had been stated in the speech of his noble Friend the President of the Council; for with regard to the former, he had expected that some great and broad course of policy would have been laid down—some clear and decisive line distinctly traced out—some positive measures proposed, in fact that the noble Marquess would have laid before the House his plan of campaign against the growing evils, and, considering his knowledge and experience as to the state and temper of Ireland, taken upon himself to put forth his views as to future policy, and propounded the measures which he thought best for the welfare of Ireland, so that the House might have had the option of choosing between what he (the Marquess of Normanby) proposed, and what had been so plainly and candidly stated by his noble Friend opposite. But unfortunately the noble Marquess only urged the House to propose measures but suggested none himself. He was disappointed with what had fallen from his noble Friend opposite, the President of the Council, for though the measures proposed were all in a right direction, they had been put forth by the noble Lord on the part of the Government, as though they were its ultimatum, the very utmost and furthest extent to which they would go. The evils to be remedied were great, and he thought the remedies proposed were not equal to the extent of the evils. He (Lord Beaumont) did not attempt to disguise from himself the great difficulty which attended all legislation on the state of Ireland. That difficulty consisted in the existence of two extreme opinions, which prevailed unfortunately to a great extent, and caused all intermediate steps, all that came between those two extreme opinions, to be considered as half measures which did not go effectually to the root of the evil, nor meet the crying exigences of the country. Though he alluded to these opinions, and would mention them as the great difficulty which attended all discussion on this question, he would beg of their Lordships to bear in mind that he (Lord Beaumont) did not coincide with either. One or other of these extreme opinions were held by a majority of the people in Ireland, a certain number of persons in this country, and by some and not a few on the Continent, and so virulent were both these opinions, that like a poisonous mineral they infected the system (if he might use the expression) and crept into the veins of every measure proposed, and turned things good in themselves into a source of evil. One of these opinions prevailed amongst the Ultra-Protestant party, the other had a far more extensive influence amongst their most prominent opponents, and both were based on that delicate subject, religion and the animosity which sprung from religious zeal. He knew that there were many amongst his co-religionists, who believed that nothing would relieve or even ameliorate the condition of Ireland, till the supremacy of the Protestant Church was destroyed, and such persons looked on all other proposals as perfectly inefficient and absurd. He need not repeat that he differed totally in opinion with these people, but he thought it necessary to state that he was convinced that no measure however good and excellent in itself, would satisfy them, in order to show that the condemnation certain proposed plans were likely to meet with in that quarter, would be no proof (with him at least) that they were not both good and efficient measures. He (Lord Beaumont), would put both extreme parties out of the question as entertaining impracticable notions, and not draw the conclusion from their dissatisfaction, that the Government had not done wisely in the measures it proposed. The noble Earl opposite went further still and said, that there were some even, who wished to establish the supremacy of the Catholic religion on the ruins of the Protestant. Now, he (Lord Beaumont) thought the number who entertained such a wish very small indeed—he believed that Catholics generally dreaded Catholic supremacy as much as they dislike Protestant supremacy. The object they have in view is the voluntary principle and the dependence of the clergy on the good-will of their parishioners. This lead him to the question of paying the Roman Catholic Clergy; whatever might be the merits of that

proposal, he must observe that one circumstance had now effectually prevented that offer from being made, namely the late distinct refusal of the Roman Catholic Clergy themselves to accept any such grant at the hands of Government. He knew not on what grounds the refusal had been made, but he was not sorry that it had been made, for if they had accepted it it would not materially alter their social connections or political influence in Ireland; for though some few of them might receive a sum of money and so have no motive any longer to join in agitation and keep alive discontent, their co-adjutors, who would not be paid, would do the work of mischief instead of the parish priest—become the favourites of the people and carry on all the active business of the district. They must regulate the clergy as well as pay them, or no good will follow. For these reasons he would object to that plan, though he had heard it stated by many persons better acquainted with Ireland than he was,that such a provision ought to be given, because if given, it would tend to relieve parishioners from many of the charges to which they were now liable; for the latter object he would suggest that the Government should rather assign them glebes — assist in building residences for the parish priest and advance money to build churches—in which case the Government would have the satisfaction of seeing that the money did not fall into idle and unworthy hands. In all other countries this was done; in Constantinople, the Sultan was in the habit of building and repairing the Christian churches: if some such steps as these were taken by Government, the people would be relieved from one of the heaviest taxes levied at present by the Catholic clergy upon them, for when it was known that a sum had been advanced and assistance afforded for building the necessary places of worship, the laity would remit the demand so constantly made for subscriptions to keep in repair the chapels of their persuasion. As to the other subject which had been alluded to by noble Lords who had preceded him, he (Lord Beaumont) must confess that he did not much approve of the Land Tenure Commission, because if Parliament once interfered with landlords in Ireland and tied them down in the use of their property, he was afraid the interference would soon be extended to England and great confusion in the agreements between landlord and tenant would ensue. Noble Lords must be aware that it was impossible to adopt an uniform rule in all agreements, and that the number of years' compensation for improvements allowed outgoing tenants must differ according to the variety of circumstances and the nature of the improvements; he, therefore, begged of them to be cautious how they interfered, and take care that they did not add another source of discontent to the owners of real property, for, what with the Anti Corn-law League and their actual burthens they had already plagues enough upon their hands. He would now, in conclusion, express his satisfaction at the hopes held out of measures favourable to the future well-being and suited to the present state of Ireland; but while he acknowledged his admiration of the clear, candid, and able statement of the Lord President of the Council, he (Lord Beaumont) would still add, that he should like to see Government induced to go a little further in the same direction, and for that purpose he would give his cordial support to the motion of his noble Friend near him.

On the Motion of Lord Campbell, who rose amidst cries of "Divide," and "Go on," the Debate was adjourned to Thursday.

The House adjourned to Thursday.

HOUSE OF COMMONS,

Tuesday, February 13, 1844.

MINUTES.] PETITIONS PRESENTED. By Mr. Bright, from Glasgow, against Vote of Thanks to Army in Scinde. — By Mr. Ferrand, from Thomas Smith, for Enquiry into Grievances of Frame-work Knitters. — By Mr. Hume, from Blairgowrie, for withholding the Supplies. —By Mr. Ross, from Belfast, for consideration of the State of Ireland.—By Mr. Williams, from Fishguard, complaining of Abuse of Turnpike Trust.

CANADA.] Mr. *Leader* said, that he wished to put a question to the noble Lord, the Secretary for the Colonies. It appeared that two-thirds of the population of the provinces of Canada were Catholics, and the Roman Catholic religion was the established religion there by statute, nevertheless cases of violence have been committed by Orange Societies in that country. In consequence of this a bill was passed during the last Session of the Provincial Parliament for suppressing these Orange Societies, which act was, as he understood, nearly a transcript of one

passed by the Imperial Legislature. Notwithstanding these circumstances the bill had been reserved by Sir Charles Metcalfe, the governor of the colony, until he had obtained the opinion of the Home Government on it. Now he wished to know whether the conduct of Sir Charles Metcalfe, in the reservation of this bill, met with the approval of the Government; and also whether it was the intention of the Colonial-office to withhold the consent of the Government to this bill?

Lord *Stanley* replied, that he had ascertained by inquiring, in consequence of the notification which the hon. Gentleman had given to him of his intention to put this question, that on the 9th of December last, Sir Charles Metcalfe did reserve his assent to a bill for the suppression of illegal associations in Canada. The bill in question had not yet been transmitted to the Colonial-office by the Governor of Canada, and not having any official information as to its contents, he therefore could not give any answer to the question of the hon. Member.

Mr. *Leader* said, that the reservation of the bill took place some time ago. He should therefore like to know when it was likely to arrive in this country.

Lord *Stanley* replied, that since the 9th of December, there had been only one mail, by which Sir Charles Metcalfe might have transmitted this bill, but in the circumstances in which he was placed, it was not unreasonable to suppose, that his time was so occupied as to render it difficult, or, perhaps, impossible to draw up all his reasons for withholding his assent to the bill in time to transmit it to this country by the mail. No doubt, in a very short time he should receive the bill from Canada, and he should then be ready to give an answer to the question of the hon. Gentleman; but he must add, that he did not think that such a long time had elapsed, as there had been the omission of only one mail which could form any ground of complaint against Sir Charles Metcalfe.

Military in Ireland.] Mr. *Horsman* said, that before his noble Friend rose, he wished to put a question to the right hon. Gentleman opposite. On the motion, however, of the hon. Member for Cambridge, an account was ordered a few nights ago, for returns of regiments of Infantry and Cavalry sent to Ireland, during the period commencing the 1st of September, 1841, and ending the 31st of March, 1843; also returns of regiments of Infantry and Cavalry withdrawn from Ireland during the same period. He observed that this return, was made out in a peculiar manner, by which it would appear that the number of Troops that had been withdrawn from Ireland during the last two years referred to in the return, exceeded considerably the number sent to Ireland during the last year. He thought, that this must be incorrect. He therefore wished to ask the right hon. Gentleman whether this were the case or not, and what explanation he could give on the subject? He wished to know whether the number of Troops withdrawn from Ireland, rank and file, was more numerous than those sent there during the two years referred to in the return. It would appear from this paper, that since the year 1841, eight regiments of Infantry and one of Cavalry had been sent to Ireland, while twelve regiments of Infantry and two of Cavalry had been withdrawn. He wished also to know whether there would be any objection to give a return of the number of Troops quartered in Ireland during the years 1833, 1834, and down to 1840 inclusive. In the next place he wished to know whether there would be any objection to give the returns down to the end of last year.

Sir *J. Graham* should have been glad if the hon. Gentleman had given him notice of his intention to put this question, but he would endeavour to give the best answer in his power. With respect to the return to which the hon. Gentleman referred, the reason it had been moved for by his hon. Friend, and produced, was, that the noble Lord, the Member for Plymouth, the son of the late Lord-Lieutenant, had moved for the production of a letter written by his father, while Lord-Lieutenant of Ireland, during the disturbances in England, offering to place at the disposal of the Government a certain number of regiments then in Ireland. He could state, that the object of this return was to show, that until March, 1843, five regiments altogether, more than were sent there, were withdrawn from Ireland for general service in this country. The return in the hands of hon. Members would show, that during the period referred to in it, four regiments of Infantry and one regiment of Cavalry were withdrawn more

than were sent there. This was between the 1st of September, 1841, and the 1st of March, 1843. With respect to the latter part of the question of the hon. Member, he had no objection to give the return, but he believed that such a return had already been ordered the present Session, on the motion of the hon. Member for Coventry. The return was for an account of the Number of Rank and File stationed in Ireland from the 1st of January, 1830, to the 1st of January, 1844.

COURTS FOR SMALL DEBTS.] Mr. *Roebuck* wished to ask the right hon. Gentleman a question with respect to the bills which had been introduced by the hon. and learned Members for Chester and Kinsale, and entitled the Small Debts Bill and the Superior Courts (Common Law) Bill. By the first of these bills the whole jurisdiction for the recovery of small debts was given to the unpaid Magistracy of this country, which he could not help saying was a most improper tribunal. He wished to know whether this bill were introduced with the sanction of the Government?

Sir *J. Graham:* far from it, the hon. and learned Member for Chester brought forward last Session, a similar measure to that which had been alluded to by the hon. and learned Member for Bath, as a rival measure to the bill introduced by the Government. The hon. and learned Member for Chester had introduced his rival measure in the present Session before Her Majesty's Government had been enabled to introduce their bill. He certainly should not feel disposed to give any support to the bill of the hon. Member for Chester, as he entirely agreed with the hon. and learned Member for Bath, in objecting to entrust the jurisdiction in matter of debt to the Magistracy, for he could not conceive a worse tribunal for that purpose. He must say, that this measure was of an extraordinary character, for it embraced all England and Wales, and it placed the whole jurisdiction in matters of debt under 5*l.* in the hands of persons not learned in the law.

STATE OF IRELAND.] Lord *J. Russell* rose, pursuant to notice, to move for a Committee of the whole House, to take into consideration the State of Ireland. The noble Lord spoke to the following effect: I feel deeply how much I stand in need of the indulgence of the House in the performance of the arduous task I have undertaken. I will not trespass further on that indulgence by making any apology for taking that task upon myself; and however I may feel my own inability, adequately to perform it, I can not for a moment, doubt that it is right for the House of Commons of the United Kingdom to make an inquiry into the condition of Ireland. We have before us, notwithstanding the somewhat fallacious returns presented by the right hon. Gentleman, the notorious fact that Ireland is filled with troops; and that the barracks, in which these troops are posted, have been fortified. We have heard, too, only this morning, of a regiment of infantry having been drawn up in the yard of the Castle of Dublin; that preparations have been made as if the Government were in hourly expectation of civil war. We have before us, in short, the fact that Ireland is occupied, and not governed, by those who now hold the reins of power. I say, and say it deliberately, Ireland is occupied, and not governed by the present Administration. In England the Government as it should be, and has been, is a government of opinion; the government of Ireland is notoriously a government of force. A short time ago, his Majesty the King of the French told his Chambers that he trusted Algeria would soon be reduced into a state of peace. Her Majesty's Ministers, at the opening of the Session, were hardly able to give us a similar assurance with reference to Ireland. The troops, there, it is true, are placed in positions which, considering who is the new commander-in-chief, are, no doubt, the best military positions which could be chosen, with every means of relief and communication. Far be it from me to doubt for a moment the military skill with which these troops have been disposed, or that effectual means have been organised for meeting resistance and insurrection, should resistance and insurrection arise. What I wish to ask is, why is it that the country has been so occupied?—why Ireland, which was delivered two years ago into the hands of the present Government, tranquil and undisturbed, should now be in such an alarming condition? We have this morning received intelligence of an event which may have an important influence on the destinies of Ireland—intelligence which, perhaps, will be matter of triumph to those who now

administer the destinies of this country, that the man in whom not only the general wishes, but the general affections, of Ireland are placed—the man to whom the people of that country, and, as I think, justly, attribute the chief part in delivering them from the chains in which they groaned until the Emancipation Act of 1839—we have intelligence that this man has been found guilty of conspiracy, and, as I presume, will by the sentence of the judges of the court be condemned to imprisonment. Sir, I can see in this circumstance no guarantee for the future tranquillity of Ireland; I can derive from your present triumph no better hope that you will obtain for yourselves the affections of that people, which have hitherto been fixed upon the man whom they call the Liberator. I can see no hope, unless you take a new and very different course from that you have as yet pursued, you can preserve Ireland as she ought to be preserved—united to you in affection—united to you in war as well as in peace—contributing to and sharing in your prosperity in the period of peace—fighting valiantly at your side, and tendering her strength to increase your strength, when you have to meet a foreign foe. The consideration of this subject has led me, and I will venture to bring the subject before the House in the same order that I have studied it, into a close examination of the whole history of our position with reference to Ireland. I am not about merely to criticise or to ask for an inquiry into the transactions of the last few months; I am about to ask the House to consider what have been our relations with Ireland since the period of the Union. I will take it for granted, as I very fairly may, until some one in this House shall make a motion for the Repeal of the Union, that we all desire and are resolved to maintain that Union; that we all wish to preserve its principal conditions; that we wish to have an Imperial Parliament of the United Kingdom, containing representatives, in both Houses, of Ireland as well as of Great Britain. Assuming this, which is an assumption quite in accordance with my own opinion, I may ask the House to consider whether the engagements made at the time of the Union have been fulfilled? Have the promises which were then made, both with respect to improving existing laws, and to future legislation for the welfare of Ireland, been fulfilled by the Imperial Parliament? If they have not, let me ask you on that ground to go with me into committee, and to consider of the measures which we shall take, in order to preserve our faith, and reconcile the people of Ireland to the connection. In going over the subject, I must advert to the address of both Houses to his Majesty George the 3rd, previous to the Union in 1799, in consequence of which the Union took place. The two Houses, in their joint address, made use of these expressions:—

"We entertain a firm persuasion that a complete and entire Union between Great Britain and Ireland, founded on equal and liberal principles, on the similarity of laws, constitution, and government, and on a sense of mutual interests and affections, by promoting the security, wealth, and commerce of the respective kingdoms, and by allaying the distractions which have unhappily prevailed in Ireland, must afford fresh means of opposing at all times an effectual resistance to the destructive projects of our foreign and domestic enemies, and must tend to confirm and augment the stability, power, and resources of the empire."

The two Houses were not content with this declaration; they went on to say in a subsequent paragraph—

"And we trust that, after full and mature consideration, such a settlement may be framed and established by the deliberative consent of the Parliaments of both kingdoms, as may be conformable to the sentiments, wishes, und real interests of your Majesty's faithful subjects of Great Britain and Ireland, and may unite them inseparably in the full enjoyment of the blessings of our free and invaluable constitution, in the support of the honour and dignity of your Majesty's Crown, and in the preservation and advancement of the welfare and prosperity of the whole British empire."

These were the representations of both Houses of the great advantages which would result particularly to Ireland from the Union. Have they been realised? "Has this complete and entire Union" been founded "on a sense of mutual interests and affections?" May I ask whether we have "allayed the distractions which unhappily prevailed in Ireland," and, whether, since the Union of the two kingdoms, we have given to the people of Ireland an equal and full share in the enjoyment of the blessings of our invaluable constitution? What I have just read was not merely the declaration of the two Houses of Parliament; but it had the sanction of Mr. Pitt, the Prime Minister of the Crown, in his speech upon introducing the measure into this House. In answer to

those who spoke of the Union as subjecting Ireland to a foreign yoke, Mr. Pitt, after pointing out that Ireland would be immensely the gainer by the Union, and that England was just the country with which a country like Ireland should wish to unite, said:—

"Does a Union, under such circumstances, by free consent, and on just and equal terms, deserve to be branded as a proposal for subjecting Ireland to a foreign yoke? Is it not rather the free and voluntary association of two great countries, which join, for their common benefit, in one empire, where each will retain its proportional weight and importance under the security of equal laws, reciprocal affection, and inseparable interests, and which want nothing but that indissoluble connection to render both invincible."

And he then made use of the quotation which has been so often repeated—

"Non ego, nec Teucris Italos parere jubebo,
Nec nova regna peto; paribus se legibus ambæ
Invictæ gentes æterna in fœdera mittant."

Such were the terms upon which Ireland was invited to consent to a Union with England, as declared by both Houses and by the Prime Minister. At the same time, other inducements were held out, not officially indeed, by any positive declaration of the Ministers of the Crown, but by their adherents—by those who were in some way or other acquainted with the sentiments of Mr. Pitt. It was stated that the Roman Catholics would be much more likely to obtain all the rights of British subjects under a Union of the two Legislatures, than if Ireland should continue under a separate legislature. Such was the opinion and feeling of many persons who opposed the admission of Roman Catholics to office, while Ireland continued separate; but the hopes of the Irish, however, well founded on such declarations, were destined for a long time to disappointment. But before I enter upon that subject, I wish to call the attention of the House to another part of the laws and constitution of England, and one of the most important parts; namely, the Administration of Justice. It may be said that the laws are the same for both countries—that Ireland has nominally the same law as England—that the trial by jury is the same in both countries. Is it so, in fact? That it was not so, was perpetual matter of complaint in Ireland, and more than once in England. On one occasion, I recollect that an hon. Member of this House, who in those days was accustomed to represent with great force and eloquence the grievances of all who were oppressed, whether in Europe or in America, Africa or Asia, whether the complaints were made by white men or black, I mean Mr. Brougham, brought this complaint under the notice of the House in terms of very great strength and effect, in June, 1823, on presenting a petition complaining of the administration of justice in Ireland. Mr. Brougham then said:—

"The law of England esteemed all men equal. It was sufficient to be born within the King's allegiance to be entitled to all the rights the loftiest subject of the land enjoyed. None were disqualified by it; and the only distinction was between natural-born subjects and aliens. Such, indeed, was the liberality of our system in times which we call barbarous, but from which, in these enlightened days, it might be well to take a hint, that even if a man were an alien born, he was not deprived of the protection of the law. In Ireland, however, the law held a directly opposite doctrine. The sect to which a man belonged—the cast of his religious opinions—the form in which he worshipped his creator—were the grounds on which the law separated him from his fellows, and inured him to the endurance of a system of the most cruel injustice."

Such was the statement of Mr. Brougham, in those days when Mr. Brougham was the advocate of the oppressed. Was this the statement of a man ignorant of the condition of Ireland; of a person who was stating that for which he had not sufficient foundation; who had been misinformed by enthusiasts and grievance-mongers? Not at all. Facts of the same description were stated in most positive language by Sir Michael O'Loghlin, in his evidence before the House of Lords, in 1839. He said he had been in the habit for nineteen years of attending the Munster circuit. On that circuit, he said, it was the custom of the Crown to set aside from the jury all Roman Catholics and all liberal Protestants; and he stated it as his belief that this practice was carried to a still greater extent on other circuits. He stated one case of this practice occurring as late as the year 1834, when Lord Wellesley was Lord Lieutenant, and when Mr. Blackburne, the present Master of the Rolls, was the Attorney-general. He stated that in that case, not a political case, forty-three persons had been set aside, and that thirty-six of those were Roman Catholics, and seven Protestants. Amongst them were magistrates and lease-holders, and persons of conside-

rable property. He said that the practice was so well known, and constantly followed, that men of liberal opinions, whether Roman Catholics or Protestants, had ceased attending the assizes, that they might not be present when such an insult was offered to them. Now are these the laws of England? Does this at all resemble what takes place in selecting a jury in Kent or Sussex, or Yorkshire, or Lancashire? Are these the laws, the just, and equal laws, which Mr. Pitt promised should be extended to Ireland? Is this the fulfilment of the promises made at the time of the Union? Is it not rather, as Mr. Brougham said, the distinction at once of sect and party—the separation of those who call themselves Protestants—which is, in fact, in Ireland a political denomination, from the rest of the community? Is it not the supremacy of political Protestants corrupting the sources of justice, and defrauding the people of that right of trial by an impartial jury which was declared due to them by the constitution of this country? What was the effect of this? I can state it in the words of the same excellent authority, Sir Michael O'Loghlin. In answer to a question put to him in the committee, of which I have spoken, he replied,

"I think the system which prevailed had a very injurious effect on the administration of justice."

To another question (p. 135) he answered:—

"In my opinion, in the first place, it gave to the persons who were convicted, or the friends of these persons, an opportunity of saying, that they were not tried by an impartial jury."

He was asked (p. 135)—

'You consider the practice to have been generally prejudicial to the administration of justice in criminal cases in Ireland?—Answer: Yes, certainly: "

Now, can we wonder, such being the case, that in Ireland the poorer classes of the people resorted to any way of settling their quarrels among themselves, rather than have recourse to the regular tribunals? Can we wonder that they frequently harboured long revenge—that they did not chuse to apply to the tribunals of the country for justice—that when the poorer Roman Catholics saw all the men of their own religion carefully and systematically excluded, a distrust of the administration of justice generally prevailed? And I beg the House to bear in mind, in reference to what has lately occurred, that it has been notorious to the people of Ireland that this practice of partially and unfairly excluding Roman Catholics from juries has continually prevailed. In the same evidence, before the Lords in 1839, Lord Donoughmore gives an instance of a person harbouring a deep feeling of revenge for upwards of fifteen years. The case was that of a man who murdered another with a spade, in revenge for an assault committed upon him by his victim fifteen years before. It seems very barbarous to nourish a revengful feeling for so long, but how can we tell, that if there had been a fair administration of justice, this very man would not have complained of the assault at the time it was committed to the proper authorities, that he would have obtained redress for it in a court of justice, and that thus the wild feeling of revenge, the fierce passion, so irreconcileable with the due administration of law, would have been stifled, or, at all events, mitigated by this legal satisfaction for the injury, and this horrible crime prevented. I may be told that this is a nation so wild and barbarous in its nature, that it is impossible to restrain them; that they commit these outrages out of pure malignity and a vicious nature, and that the ordinary course of law does not afford the means of satisfying their fierce passions. Those who say this know little of the people of Ireland, nor how gratefully they accept fair treatment; they know little of human nature, who know not the evil consequences of a vicious administration of justice—in perverting all the good feelings of a people—in provoking them to revenge themselves, rather than resort to tribunals which they consider unjust. I will then by an anecdote, which I have taken from a work of my hon. Friend the Member for Waterford show how wrong are those persons who have formed such an estimate of the Irish character. The circumstance occurred during the great Clare election. A big, brawney fellow came to the committee of the association to complain, that he had been assaulted by a person much his inferior in size and strength. "Why," was the reply, "cannot you take your own part? You are bigger than the man who insulted you?" "Yes," said he, stretching forth his brawney arm, "I could soon have had the satisfaction if I had chosen to take it, but all violence and quarelling has been forbidden by the Association, and

therefore, I could not punish the fellow as he deserved." Now, if a man thus sustained his anger in obedience to the behests of an association—why was it? Because he had confidence in the association—he knew the law which had gone forth had been framed by men who had the same feelings and sympathies as himself, and who did not set up the tyranny of a sect as the measure of justice. This, then, is my first complaint, that, from the period of the Union, up to 1835, there was no impartiality in the administration of justice, that the Irish people had not the same equal justice which the people of this country have. I may be told, that Lord Wellesley was an impartial governor of Ireland—that he wished to do justice to the Roman Catholics of that country; and I most readily admit, that both he and Lord Anglesey, who preceded him, had every wish to administer the affairs of Ireland equitably, but it was the misfortune of both, to have officers under them, who went on the old routine, who frustrated all their efforts, and continued in well-nigh unabated vigour, the whole system of injustice. Every precedent on the file was a model for partiality; the red tape tied up parcels of bad decisions; the clerks were familiar with nothing but Protestant ascendency and Catholic degradation. Such was the bad system the office which Lords Anglesey and Wellesley, with every desire to govern impartially, strove in vain to suppress. I will now proceed to the question of the franchise of the people of Ireland. I may be told, that in considering the state of Ireland, it is of little consequence, to consider these questions of political franchise; that political power will not put bread into the mouths of the hungry, or give employment to the unemployed; that these are not the remedies which Ireland requires in her distressed condition. I do not admit the wisdom of such opinions. I cannot find any support for them in the history of this country and of its constitution. I have been accustomed to think, that the participation of equal rights, that the benefits of a free constitution are the very first and very best means by which we can impart prosperity to a country. I am justified in this view by the high authority of Mr. Pitt, who, in his celebrated speech in 1792, on the state of the finances, wherein he enlarged upon the principles of Adam Smith, and predicted great future prosperity, to the country, referred at last to the source of this country's prosperity and said, "It was to be found in the free constitution of the land." Mr. Fox, in following Mr. Pitt, differed from some of the sentiments he had expressed, and doubted some of his anticipations, but in one thing he cordially concurred with him; namely, that the prosperity of England was owing to the free constitution which she enjoyed. Did either of these great men suppose, that the mere power of voting at elections, would give a man wealth? That the mere faculty and privilege of being tried by a fair jury would raise him from poverty to riches? Nothing of the kind. But they knew, that when men have the advantage of equal justice, the benefits of a free constitution, when they live, as it were in an atmosphere of liberty, knowing that they may pursue objects of their honest ambition uninterruptedly, that they may exercise their honest industry without fear or impediment, they exert themselves with ardour, they exercise that honest industry with unremitting zeal, looking forward to the chance, open to them in common with others, that they will at length obtain the wealth of the wealthiest, the positions of the most trusted, the honours of the highest among subjects. Such were the principles which induced these statesmen to say, that it was to the English constitution that England owed its prosperity. And let me not be told, that we are now to learn some more speculative and abstract wisdom; let us not be told, that Government can find means to give employment to a people without giving that people the benefit of the constitution; that they can withhold the franchise, and yet confer prosperity; that is not in their power. I tell them, that with respect to Ireland—happily it is unnecessary to say the same with respect to England—the best they can do for the people of that country — no doubt they may do other things, and adopt measures highly necessary—but the best thing they can do for Ireland is to secure every man there in the enjoyment of his clear rights, and enable every man to be sure that he will be represented according to the principles of the constitution. With respect, then, to the franchise in Ireland, in the year 1793, the Irish parliament, which the year before, had rejected the proposition, gave to the 40*s.* freeholders of Ireland the right of voting for Members of Parliament. That power became in the hands of the landlords, the means of filling their estates with num-

bers of miserable men, dependent on them, whom they brought up to vote at elections as they thought proper. Doctor Duigenan, in 1805, or indeed before that time, I think, for I must do him the justice to say, that he, at a very early period, had the sagacity to foresee the results, gave an opinion, that this corrupt mode of carrying elections would eventually turn out unfavourable to those who introduced it. He mentioned at the time, the case of a friend of his, who had gained his election in this way, but he foretold, that ere long the time would come, when the landlords would find it re-act against themselves as a body. And so it turned out; great abuses took place, and people of all classes became very willing to have some remedy applied. In 1829 when the right hon. Gentleman opposite proposed, consistently with the speech from the Throne, "a general settlement of the affairs of Ireland," he proposed an altered and higher franchise. His proposals were approved of by this House, and by Parliament generally, and the right hon. Gentleman gave them the 10*l.* franchise, that is, gave the franchise to every person deriving 10*l.* a-year either as freeholders or as leaseholders from leases for life. But it appeared, after the act had been passed, that the intention was not realised, but that persons from the manner in which the law was interpreted, to be entitled to the franchise, must derive not 10*l.* but 20*l.* a-year from their holding, inasmuch as they were obliged to show, that they had 10*l.* clear profit over and above the 10*l.* which was considered the value of the holding. A noble Lord, who is now one of the Secretaries of State, has taunted me for any defects that may exist, on the ground that I ought to have corrected them in the Reform Bill. Upon that occasion, I trusted much to the opinion of a noble Friend of mine (Lord Duncannon) whom I consulted on the subject, and the noble Lord gave it as his opinion that the object which we desired would be accomplished by that measure; but we have since found from the decision of the majority of the Irish judges, that we were in error in our construction of the act. The right hon. Gentleman, when he proposed his change in the franchise, stated that he proposed great facilities for the attainment of it—that a person claiming it had only to go before the assistant barrister to substantiate it, and if the claim were allowed, there should be no appeal; but if it were rejected, then the claimant might appeal to a judge of assize. This seemed a fair and equitable proposition, and likely to give satisfaction. But some time after, not content with the diminution of the franchise which had taken place by the interpretation put upon it by the judges of Ireland—not content with the diminution in the number of voters which had thereby taken place—a noble Lord opposite, not then in the Government, though now sitting on the Benches opposite, proposed a bill to correct what he called the evils of registration in Ireland. Sir, that bill was so contrived, that by sending the claimant —the poor Irish voter—from one appeal to the other—by transmitting him to a great distance, through intricate passages and by costly doors—it discouraged him from seeking the franchise, and those only who were favoured by the landed proprietors of the country, would be enabled to enjoy it. Such would have been the effect of the noble Lord's bill. At that time, we, who were in the Government, said that, though Ireland was far from enjoying all she ought to have by law, yet as there then existed a period of tranquillity, it was most desirable to allow the wealth of the country to increase during that period, believing that angry passions would be assuaged, and that animosities would be likely to abate, by not introducing any question likely to be the subject of vexatious contest in this House. The noble Lord refused to listen to any such suggestions. He thought it necessary to press his bill at all times, and in all contingencies, in season and out of season. The last House of Commons decided they would entertain that bill. Parliament was then prorogued, and we had to consider the franchise and registration of Ireland. It was the opinion of a noble Friend of mine (Lord Morpeth), and in mentioning his name, I will venture to say, that no man ever held office in Ireland more desirous of improving the condition of the people of that country, it was the opinion of Lord Morpeth, that since the House had determined to entertain the question, it would be necessary in justice to the people of Ireland to propose some clearer definition of the franchise—to relieve it from all the disputes and litigations which were existing on the subject—to make the franchise large and extensive, and to base upon that extended franchise, an improved system of registration. And what was said to this? The answer was, an indignant refusal on the part of our opponents, even to enter upon the subject. The words of a right hon.

Gentleman, now the Secretary of State for the Home Department, were these :—

"I am determined to stand by the Reform Bill. Let its provisions be improved where necessary. Yes, I am perfectly prepared to concur in an attempt to remedy whatever defects may be found to exist—for instance, as to the machinery of registration ; but I am resolved, at the same time, to guard the franchise as it stands."

Such was the opinion of the right hon. Gentleman ; and the noble Lord, the Secretary of the Colonies, went still further, for he said of Lord Morpeth, that my noble Friend had brought forward his bill under false colours and false pretences. Such was the charge made against Lord Morpeth, and made because we said it was impossible to have a new and more stringent and narrowed registration in Ireland, without having at the same time an extended franchise. And had we no grounds for saying this—were we not justified in saying it ? I appeal to the silence on this subject, for two years of the present Government. I appeal to their neglect, after they had pushed their bill as a measure of opposition against all remonstrance into committee, and attempted to carry it through the House. But, Sir, have I nothing more than their silence to appeal to? Yes, I have the Queen's Speech as an authority. I have the positive declaration, in the Queen's Speech, advised by the whole of the present Cabinet, that it would not be safe to adopt a new system of registration, without at the same time establishing a more extended franchise. Then, Sir, I look back —with these lights, and with the experience of other measures of the present Ministers—I look back to their objects in 1840 and 1841, and I recur to the noble Lord who said, that Lord Morpeth had brought forward his bill under false colours, and I say then what was your Catholic Relief Bill—what was that relief which you proposed after Ireland had been almost in a flame of insurrection, and when the popular power had become strong and almost overpowering—what was that bill ? It was a bill which made Catholics eligible to office, and eligible to seats in this House. Compare with that Act, the Registration Bill of the noble Lord, which, as the right hon. Baronet, the First Lord of the Treasury, in supporting it, said, was to be a test of the confidence reposed in the Ministers of the day. What would have been the consequence? Why, first, if a Ministry like the present had been constituted, scarcely a single Catholic would have been placed in office, judicial or civil ; and, in the second place, hardly a Member would have been sent to this House, except at the dictation of a Protestant landlord, and the whole Catholic Relief Act would have been virtually defeated—not in the straightforward and manly manner in which the Duke of Newcastle and others, honestly adverse to the measure, resisted its continuance, and demanded its direct repeal—but invidiously, and covertly, practically and effectually destroying the whole of the benefits which were granted to the tumultuous assemblages of 1828. Well, the noble Lord in the course of the discussions on the bill repeatedly alluded to his advisers, he had been advised to adopt this clause and the other which would produce good effects. My belief is, that that bill was put into his hands by some who were more crafty than the noble Lord, and of different tempers from his, and that it was intended for the purpose of destroying the representation of Ireland by Roman Catholics, granted nominally by the Relief Act. In this conviction, I doubt whether I should wonder most at the magnitude of the injustice or the indirectness of the means by which that injustice was to be perpetrated. Such, then, is my answer to the noble Lord, who accused Lord Morpeth of fighting under false colours. Such, too, is my complain with respect to the state of Ireland, as regards the franchise in that country. And when the Ministers of the Crown now in office shrink from the responsibility of maintaining the doctrines which they maintained when in opposition, and of hazarding the peace of Ireland by a most flagrant violation of parliamentary faith ; when they shrink from this, and propose other measures instead, I say I have no confidence to wait until those measures shall be ready to be discussed ; but, having seen what they formerly did, I have no belief that they intend to grant a full and fair franchise to the people of Ireland. I ask you then to go into committee to consider that and other subjects—to hear what the representatives of Ireland say as to the manner in which the franchise can be framed, and to beware how you give your assent to any bill—with whatever name of extension of the franchise it may be covered —which would, in fact, give to the Protestant landlords of Ireland increased power, while it deprived the people of that country of all right to elect men who should be

really their representatives. Sir, I come now to another subject—I come to the question of the eligibility of Roman Catholics to office. It was justly said by the right hon. Gentleman, that if that privilege were not to be conceded practically as well as by statute, it would not diminish the evil of their exclusion. In arguing upon that point, in 1817, the right hon. Gentleman said, that,

"If Parliament conferred eligibility upon the Roman Catholics, the Crown ought not to exclude them from a just proportion of power, for in that case their exclusion would be ten times more mortifying than their existing disqualification, because it would then appear to be dictated by caprice, by injurious preference, and unfair suspicion."

The present Ministers have had many offices to dispose of, they have had those of Master of the Rolls, of Chief Justice of the Queen's Bench, and the appointment of several of the puisne judges of all kinds, and I ask what judges have been appointed who are Catholics, what men holding high offices have been appointed who are Catholics? In what situation of trust or confidence has any Catholic been placed by them? And yet there is the power which you profess to give by statute, a power which if not given practically the right hon. Gentleman said would imply unjust preference and unfair suspicion. Well, then, Sir, I accuse him of unjust preference and unfair suspicion, in not granting to the Roman Catholics that fair participation in power which their talents, their numbers, their position in the State, and, above all, the law, assented to by King, Lords, and Commons, entitle them to expect. I come, however, to an objection that has been made, and that will only induce another complaint on my part. The objection is this, that all the Roman Catholics, the whole of the Catholic body, are opposed to the politics of the Ministry now in office. Why, if such be so—I ask how comes that to be the case? The Protestant Dissenters I have heard accused of undue partiality to democratic doctrines, and an aversion to those high doctrines of prerogative which the Tories, as they were called, were supposed formerly to hold, I have never heard such suspicions expressed against the Catholics. On the contrary, when the Catholic question was under discussion, it was said, that the Catholics would be too fond of authority—that the Catholic body were by their religion averse to free institutions, and that they would have too great a tendency to arbitrary rule and servile submission. How comes it that these people holding political opinions, of one colour, and not separated, like the people of Manchester or of Kent, into different parties, of Whig, Tory, and Radical; but holding together, are all opposed—as they are said to be—to the present Ministry? I can easily imagine an answer to that question. And here I am certainly entitled, by the authority of the Government opposite, to prefer a charge against some of those who belong to their party. It was announced some time ago, in adverting to the result of the trial which has become known to-day, that Mr. O'Connell and others were to be indicted—were to be placed at the bar of a court of justice—for endeavouring to create feelings of hostility and ill-will among the people of Ireland against another portion of Her Majesty's subjects, namely, the people of England. The Crown lawyers in Ireland—no doubt with the authority of the Attorney-general and Solicitor-general in this country—thought that an offence against the law had been committed. Well, you prosecuted the parties, you had a charge in your favour from the Chief-justice—I say nothing of that charge at present—a verdict was delivered by a jury in your favour. I say nothing of that verdict. I am only saying, that in the opinion of the Government, both as a Government and as lawyers—such of them as belong to the law—that was a grave offence for which it was right to bring men—ay, and eminent men—to the bar of a court of justice. But now I ask, why, Sir, are there no other persons who have done the same, just reversing the words Ireland and England? Have there been no persons who have endeavoured to create among the people of England feelings of hostility and ill-will towards the people of Ireland, and who have acted in that sense contrary to the recommendation of the two Houses of Parliament—that the two countries should be bound by reciprocal ties of affection—mind, not bound by affection on the part of Ireland only to be returned by England with feelings of hostility and ill-will to the people of the other country—but by reciprocal ties of affection? Why, is there no person in this country who has endeavoured to excite feelings of hostility and ill-will in the minds of the people of this country, by calling the people of Ireland aliens? by affixing to them that term which belongs properly only to those who are found out of the Queen's

allegiance, and which is used for the purpose of depriving them of privileges which are enjoyed by the people of England? I ask, what has been done to that person? Has the Attorney-general prosecuted that person at the bar of the Court of Queen's Bench? Have we had a speech of eleven hours from the Attorney-general showing the enormity of his offence? No, there is an answer to that—because it is supposed that the words were spoken in Parliament, and that the privileges of Parliament protected him from the consequences. But is that person deprived of the confidence of the Crown, and has he been in any way marked as one not deserving to be admitted to that confidence? On the contrary, in the highest places in the Sovereign's councils, at the head of the magistracy and law of England, stands that person to direct a prosecution against Mr. O'Connell for having excited feelings of ill-will among the people of Ireland. Was there ever anything so monstrous as this inequality? But I must add, likewise, that I do not believe that that person holds his situation on account of any superiority in his judgments in the court in which he presides; I believe that no duties are more highly paid, and performed more carelessly—but it is on account of the part he has taken in the politics of his party, hostile as they were to Ireland, that the office was bestowed on him. The noble Lord opposite on one occasion laid great stress and emphasis on the "Protestant Government, the Protestant Constitution, the Protestant Sovereign, of this Protestant country," reiterating the word "Protestant" in every variety and in every way. The noble Lord said—

"What we mean by Protestant government is, that the members of the Government are not to be, to quote the words of an hon. Member opposite, the 'minions of popery.'"

These words had been used by an hon. Gentleman the Member for Woodstock; but what is meant by them? What are they but an abusive and calumnious expression? Was it my right hon. Friend Mr. Sheil, was it Mr. Wyse, or Mr. More O'Ferrall, that were the minions of Popery? Who were they? But I have a still further definition on the authority of an hon. Gentleman a supporter of the Government. Two years ago the right hon. Gentleman, now Prime Minister, brought forward a motion for a vote of want of confidence in the existing Ministry. That vote was carried by a majority of one, and in that majority was included a Gentleman who used this language, in a speech to his constituents at Canterbury. Speaking of three or four persons—Roman Catholics of the highest character and of great attainments, to whom I hardly do justice by saying that no position could be too high for their merits, the hon. Gentleman said, and I am not going to allude to any other portion of his speech—

"Look at the appointments these men and women have made. There is not one of them that is not a direct insult to the nation. See the Irish Papists promoted to place, to power, and to patronage."

These are the words of Mr. Bradshaw to his constituents at Canterbury, and he was a constant supporter of Her Majesty's present Government, and the Member who gave them the majority of one. Speaking of Lord Melbourne and his Administration, Mr. Bradshaw continued:—

"His sheet anchor is the body of Irish Papists and Rapparees whom the priests return to the House of Commons. These are the men who represent the bigotted savages, hardly more civilised than the natives of New Zealand, but animated with a fierce, undying hatred of England. I repeat, then, deliberately, that the Papists of Ireland, priest and layman, peer and peasant, are alike our enemies—aliens as they are in blood, language, and religion."

And it is the heads of that party who have prosecuted some of the noblest men in Ireland, and prosecuted them to conviction, for endeavouring to excite feelings of hostility and ill-will amongst the people of Ireland against the people of England! My belief is, that those invectives against Ireland were part of the stock in trade of the party now in power, that they were the means by which they worked upon the prejudices—perhaps honest, but ignorant prejudices—of the people of England, and induced them to believe that the Roman Catholics were about to obtain possession of the whole power in the State, and to force on Catholic supremacy; that they availed themselves of these prejudices to promote their party purposes, and excited animosity in one portion of the empire, against another to get possession of office. But I have alluded to this subject because it has been said that the Roman Catholics cannot now be placed in office, because they are not of the political opinions of the party opposite; and, I ask, what men of the smallest spirit would join a party which treats with such contumely, such insult, and such flagrant injustice, the body of the Roman Catholics, professing the ancient

religion of Europe, and forming more than 6,000,000 of the people of Ireland? Having thus stated what I think to be unjust, first, with regard to the administration of justice, in the next place with regard to the franchise, and in the third place with regard to the disposal of power and patronage, I will now take the conduct of the different Governments with respect to one or two of those subjects, and shall then proceed forward to the events of 1843. From the year 1836, the Gentlemen who held the offices of Attorney and Solicitor-general in Ireland, determined to give new directions to the officers employed under them in Ireland; and they instructed them to allow Catholics and Protestants impartially to remain on juries, unless there were some special objections, in which case those objections should be considered. The evidence of Sir Michael O'Loghlen, after three years' continuance of this course, showed that the result of it was greatly to increase the confidence of the people of Ireland in the administration of justice. Sir Michael O'Loghlen said:—

"It has given confidence to the administration of justice, and has taken away from the persons accused, or their friends, a pretext for saying there has not been a fair trial."

Sir William Somerville said in the same year, 1839, on oath;—

"What I remark in Ireland at present, with the greatest satisfaction, is the growing feeling of respect for the law. There is springing up in the minds of the people a confidence in the Executive Government. One particular circumstance which I think has, more than any other, tended to produce this confidence in the law, is the different system which now prevails with regard to the challenging of juries. I look upon that as a circumstance which has, more than any other, created this confidence in the Executive Government. Has the value of property increased or diminished? Increased very much."

I will not trouble the House with more evidence on this point. I will only say, that the evidence of the witnesses, and the statistical evidence as to the amount of crime will be found by any Gentleman who takes the trouble to search for them, produced before the Lords' committee in 1839—a committee which was appointed for the purpose of showing that, under Lord Normanby's administration, crime had increased, and the security of life diminished, but which ended in proving by the evidence—for there was no report—that crime had diminished, that security of life had increased, and that the increased security of property was shown by this most conclusive test, that five years' more purchase was given for land in 1839 than had been given for seven years before. In that state, with respect to these subjects, we left the Government of Ireland. With respect to the administration of Ireland, Let me remind you, we obtained the concurrence of the House in a vote of approbation of the Administration of Lord Normanby. With respect to legislation the case was far different. The Lords rejected both the appropriation clause, which we proposed to add to the Tithe Bill, and which would have been a settlement of the question for years, and the bill respecting the Municipal franchise of Ireland, which we asked for on the same principles as those of the law of England, and I think the people of Ireland had good reason to complain. Yet that people seemed to feel it better for Ireland to have a Government favourable to the great majority in the principles of its administration, than a Government which was not favourable, and which would administer the laws accordingly, though it might be powerful in Parliament. But be that as it may, in 1841 the right hon. Gentleman opposite had Ireland delivered over to him in a state of political tranquillity. I do not say—for I have no wish to exaggerate—that the evils which had been accumulating for a century were dispelled by five or six years of a different administration, but the temper of the people was improved. They had greater confidence in the administration of the law, and if that confidence had been fully confirmed, I should have expected a great and sensible increase of material wealth. This appeared from the rise in the price of land. It would have appeared still more, because when there was no longer any danger that persons who felt themselves injured would attempt to redress private wrongs in their own persons, but would appeal to the law for a remedy, men of property would have sent their capital and would have gone themselves to Ireland, as they would go to any country where the law maintains its due authority, where the rights of property are respected, and where those general advantages are shared, which are possessed by this country. But it was not destined to be so. I was alarmed at first at what might be the consequences of putting power into the hands of persons who had been vehement in their denunciations of the Irish, and more especially of

the Irish Catholics. I was glad—I was more than glad—of the symptom which appeared in the appointment of a noble Lord (Lord Elliot), who had disagreed from the Gentlemen opposite on some portions of their Irish policy. That appointment seemed to present some gleam of hope that things would not be so ill managed as might have been apprehended. The noble Lord had declared his intentions to be in favour of impartiality—of not showing peculiar favour to one party to the prejudice of the other. That declaration he made to his constituents. For my part, I contributed what I could to the statement of the favourable treatment which the Irish had to expect. I said only a few words at the commencement of the new Ministry, and those were in favour of the appointment which had been made; and it was not until last year that I thought it necessary to interfere in any way with the administration carried on by the Gentlemen opposite. My belief was—and I state it now, after all that has passed — that notwithstanding the monstrous injustice and the flagrant wrongs that had been done, the Irish would have better consulted their own interests if they had remained in tranquillity until, by their gradual increase and strength, they could make such an impression upon the Government and Parliament of this country as would be irresistible in favour of justice. That has not been the case. Those who have more peculiarly the confidence of the Irish—the leaders of the Irish people—were indignant at the treatment their country received. They maintained with great ability with great labour, and with great activity, that the evils and the injustice under which Ireland suffered, were such, that no redress from an Imperial Parliament could be expected, and that no remedy would be effectual but a Repeal of the act of Union and again placing Ireland under a domestic Parliament. It was a matter of consideration for the Government how that cry was to be met. I should have said—I did say—that the way to meet it was to consider at once, either upon their own motion or upon the motion of the hon. Member for Limerick, what were the real evils of Ireland, to remedy those evils as far as possible; and, having done that, to stand with confidence upon the act of Union. The Government, however, did not do that. They stood upon the act of Union alone. They said, "we do not regard the spirit, we know we have the letter of the act of Union in our favour—we have no more to do—we will make no concession "but will take a determined stand upon the ground on which we are now fixed." And what was the consequence? Immense meetings took place in Ireland, attended, according to the indictment which has lately been framed against the leaders, by between three and four millions of people. There may have been more, but not less than between three and four millions are believed to have attended at those meetings, asking for a Repeal of the Union, and coming to resolutions without reference to this House, without making any appeal to this House, that Repeal was a measure necessary for the welfare of Ireland. Was not this an alarming symptom? I say alarming, not with regard to the particular individuals who might be brought to justice, but was it not alarming, that a great portion of the people of Ireland should be discontented, and that more than forty years after the enactment of the Union their situation should appear to them so hopeless, that nothing but a Repeal of that Act could give them any chance of relief? But people made various speculations and formed different opinions as to what the conduct of the Government would be. Some said that the meetings were clearly illegal, that they were accompanied with circumstances of illegality, and that the Government should at once issue a proclamation to prevent such meetings; other men said that such would be a very unwise course—that if the meetings were allowed to continue, the mere assemblage of numbers of people would produce no very considerable effect, and that the leaders would, in a short time, be compelled either to desist, or would be driven to some steps which would be clearly illegal, and then, that the Government could proceed against them. Such were the various opinions that prevailed. The Government, however, took neither one course nor the other. They dismissed some twenty or thirty magistrates in a most strange way. The Lord Chancellor of Ireland declared to certain gentlemen who were in the commission of the peace, that they could not continue to hold that commission because they professed Repeal opinions, and had attended Repeal meetings, and that after a declaration made by a Member of the House of Commons—which, as appeared last night, could only be known to the Chancellor by a breach of the privileges of this House—it was incumbent, it seems, on the magistracy to know of proceedings

with which they could be acquainted only by a breach of those privileges. The magistracy of Ireland were never informed that the *Times*, or the *Morning Chronicle*, or the *Morning Herald* were the official documents of the Legislature and the Government. They could not have dreamt of such an innovation upon its constitution; but still that was the law declared by the Lord Chancellor; and because the magistrates did not mind what they might find in the newspapers—that not being a formal communication by message, but a declaration by a Member of the House — and because they did not refrain from expressing an opinion contrary to his, he being a Minister of the Crown, they were deprived of the commission of the peace. This was a strange proceeding indeed; and as was to be expected it had not the effect of diminishing the numbers attending at the meetings, or the frequency with which they were held. It had only the effect of making some of them exceedingly angry, and depriving the people of those in whom they had confidence among the magistracy—thus restoring to the magisterial bench the odium and distrust which formerly attached to it. The meetings were allowed to continue from March till October, and suddenly — early one morning—the Lord-lieutenant and the Lord Chancellor landed at Kingstown, and the meetings, which had been till then undisturbed, were suddenly put down by proclamation, and a new course was suddenly resolved upon. Amidst the calm in which the meetings had been held arose an unexpected storm of proclamation. One remarkable circumstance attended the issuing of the proclamation. There had been a meeting held at Donnybrook, near Dublin. There was then to be another meeting held in the neighbourhood of Dublin. It was at a place called Clontarf. The announcement as to the holding of the Clontarf meeting was very general. Great preparations were made for it. There had been even a discussion in the Corporation as to whether persons going through the streets to the proposed meeting might not cause an interruption to Divine Service. All these things were said, were done, in preparation for the meeting; and yet no proclamation was issued, no intimation was given as to the illegality of the proposed meeting. But on a Saturday afternoon — yes, on a Saturday afternoon — the meeting being fixed for the Sunday morning, there appeared this proclamation. I say, Sir, that those who issued that proclamation are solemnly responsible for the time at which they issued it. I do not say—I do not believe—I should be sorry to cast the imputation—that those who issued that proclamation did so, in the hope that there would be blood-shed at the Clontarf meeting. But this I do say, that they acted with a negligence and with a carelessness that showed that they did not set a sufficient value on the life and the blood of the people. They stationed troops at all the avenues to this meeting, they had them posted at all the places leading to it, and they had them in all the fields around it—what was to prevent the people coming up in crowds to the place of meeting, and, unaware of this proceeding on the part of the Privy Council of Ireland, from entering into a conflict with the troops—from some haphazard disturbances taking place between large masses of the multitude coming upon some five or ten of the soldiers, who might afterwards be aided by their comrades? What I ask, was there to prevent such an occurrence?—What but the exertions of Mr. O'Connell and his followers? Or what but their exertions in sending to every part of the adjoining country, for the purpose of preventing such a calamity? It was not the care of this protecting Government—it was not the care that the Queen's Lord Lieutenant showed as to the lives and persons of Her Majesty's subjects—it was the care of a few irresponsible individuals in sending round their friends, and proclaiming to the people, that they were not to meet at Clontarf; and it is said, that one of those individuals—one afterwards under prosecution —became a martyr to his exertions in the cause of peace, With regard, then, to these proceedings, it is necessary that this House should inquire. It is necessary to ascertain by inquiry, by a close and searching inquiry, how and why it was, that that which was public to all the world was not known to the Lord Lieutenant and his Privy Council until twenty-four hours before the time appointed for the meeting. I am not one of those who disapprove of prohibiting meetings which may be illegal, or which, by their multitudinous attendance, may end in forcible intimidation. I do not think that, if at the commencement of these proceedings—if, at the time that these large meetings were begun to be held, there had been a proclamation issued, setting forth that the Lord Lieutenant declared that the meet-

ing in such immense numbers, was dangerous to the public peace, and calling upon Mr. O'Connell, and the rest to refrain from holding such meetings: I do not think that such a proceeding would have been a wrong course to adopt; and I do not think that it would have been disobeyed by Mr. O'Connell. For, let the Government recollect, much as they may triumph in sending Mr. O'Connell to gaol—much as they may disapprove of the language which he has used of late, let them not forget that, on more than one occasion, Mr. O'Connell was the person to preach peace, and to dissuade others from violent conduct. When I held office, I was anxious about the course which Mr. O'Connell would pursue at the outbreak in Canada. That was an outbreak by Roman Catholics, and I was anxious to see the course that Mr. O'Connell would pursue on that occasion. Mr. O'Connell held up to odium the conduct of the insurgents in Canada, and he told the Roman Catholics, whose confidence he possessed, not to follow the example of the Canadians. I looked, too, with some anxiety to see what would be the course pursued by Mr. O'Connell when the Chartists, whose object was to overthrow the law by physical force, occasioned a necessity for the adoption of measures of precaution. I saw, that on that occasion Mr. O'Connell told the Irish people to abstain from all connection with the Chartists; because they sought to obtain their end by means of physical force. The use of physical force, he said, was not justifiable, and he dissuaded the Irish people from having any alliance or correspondence with the Chartists. There was another question, too, on which Mr. O'Connell took a prominent part, the question with regard to the trades unions. Mr. O'Connell, in opposition to them, exposed himself, he exposed his popularity, and I believe, he exposed even his life, with a view of discouraging the movement of the trades unions. I say, Sir, these are things which a wise Government would take into its consideration: whether multitudes, over which Mr. O'Connell had an ascendency, whatever might be the language he held to them, yet, that when such a multitude were discontented, when it was obvious that there were so many grievances rankling in the minds of Irishmen—whether there was not some safety for a Government, that a person who headed that movement, should be a person who loved peace, and one who would dissuade the people by the strongest language from having resort to physical force. After the meeting at Clontarf—I should have said, after the proclamation putting down the Clontarf meeting, singular as it was, the Government having taken no step till the last of the meetings—they might then, and with great propriety, have ceased and waited until Mr. O'Connell had proceeded to some step too dangerous to be left unpunished or unreproved. They however, took a different course, and thought it better to resort to a prosecution; and what was the prosecution for? It was instituted for acts done at all those meetings which they had allowed to pass—it was a prosecution for all deeds of which they had taken no notice when they occurred. It was a prosecution for articles in newspapers, which might have been proceeded against as seditious libels on the day they were published. It was a prosecution for acts, some of which dated nine months before the day the prosecution was ordered, and it appears that among the persons prosecuted was one who at a late period, along with others, had joined in meetings to which he might well have supposed, after the conduct of the Government, nothing illegal could have attached, and being a repealer in opinion, he might with safety join a proceeding which had the tacit sanction of Government. And in what way were they prosecuted? It was not for taking part in separate meetings, but it was a prosecution for a conspiracy—a species of prosecution which reminds one of nothing so much—I believe every one is reminded of it—a prosecution which reminds one of nothing so much as the prosecutions against Horne Tooke and Hardy, instituted at the commencement of the war of the French Revolution. The prosecutor brought together various acts, extending over a period of nine months—a course which Lord Erskine, in his celebrated speech, so much objected to—they brought forward a whole series of acts for nine months, to prove that there was a conspiracy to obtain an illegal end, and to reach it by illegal means; yet what were these means? Meetings that had been so long left unreproved and unrebuked. I have read with great attention the able, and, I may say, the temperate, speech of the Attorney-general; and I have read also the able and the temperate speech of the Solicitor-general, and the able, but by no means the temperate charge of the Chief Justice, and I own it appears to me, that one point is not made out from any one of them. Either the meetings

were legal and innocent, or the meetings were illegal and criminal. If they were legal and innocent, how can many legal and innocent meetings form a crime? or if they were illegal and criminal, why, for nine months, were they allowed to pass unreproved? Why was not the extreme power of the law put in force? It was not, surely, that you were under the expectation that the meetings would cease. It was not, surely, that Mr. O'Connell, having declared that Repeal was his object, would desist from his exertions to procure it. Some say that the meaning of this apathy was, that you had not force sufficient to enable you to suppress those meetings. It is impossible to believe that such can be the reason. It is impossible to believe that you would seek to entrap men, that you would have the cruelty to let them form the opinion that they were doing what was corrrct, that you would let them thus go on, to answer your own purposes, and at last sweep them all into one net for the sake of a certain criminal conviction, for acts which you yourselves had left so long unnoticed and unpunished. These are, then, grave questions—questions on which we are entitled to examine the conduct of the Government. There is something more than this—the indictment is for a conspiracy; and though I do not profess to have any knowledge of the law, yet it is impossible for me, or for any one who has read the various speeches made on the one side and the other, not to make out something of this law of conspiracy. It seems that the law of conspiracy is not the ancient law of the land. According to the Chief Justice, it appears that it means, not what conspiracy meant according to the ancient law, and that the ancient law has been altered, not by statute, but by decisions of the Courts of Law. It is what Mr. Bentham called judge-made law. According to the statement of the Chief Justice, it is this—but I shall not detain the House by reading the extract. It is in substance, that in Hawkins's Pleas of the Crown, it was stated in the notes to the last edition, that the law of conspiracy is carried much farther than it used to be, by modern decisions, and it was stated by Lord Ellenborough that it had been carried quite far enough. It is therefore not the ancient law of the land. It is not statute law. It depends upon the decision of the Judges, and it seems to me that the greatest caution should be used, lest such a law should be strained for the oppression of the subject. Occasionally it is difficult to distinguish between meetings for the discussion of political subjects, for the fair discussion of any grievances under which the people labour, and those that may be styled conspiracies. According to the doctrine laid down there might be a prosecution against any persons belonging to an association on a charge of conspiracy. Take the Anti-Corn-law League. I would suppose, there being a scarcity, and there being an assembly of the people, which might become riotous, and if the event proved so, I could consider it quite fair that they should be indicted for a riot and seditious language; but then to say that there should be an indictment for a conspiracy brought against Lord Westminster and Mr. Jones Loyd, because they belonged to the League, as partners in the conspiracy! and yet, according to the statement of the law, as laid down in Ireland, I see nothing to prevent the law officers of the Crown, or a Government hostile to the League, instituting such a prosecution; or if the Government happened to be the other way, I do not see why they might not indict the agricultural meetings. But then what is the security against such proceedings being instituted? After what has been laid down so solemnly by the Judges, I will readily admit, with great humility, not only that this which they have laid down is the law, but that it may be necessary for a Government, in certain cases, to indict persons for a conspiracy, as well as to indict them—which the present Government has not done—for being present at illegal meetings. But observe the difference. The presence of a party at an illegal meeting, and the language used there, are merely a single point which may be ascertained by evidence, ay or no, and the jury may come to a clear decision upon it; but in the charge of conspiracy everything is involved and intricate—everything is mixed up—the law and the facts are at such a distance from each other, that it requires the utmost clearness of understanding, and the utmost integrity of heart, to enable a person to arrive at a sound and proper judgment. It is obvious that such a law may be made an instrument of great oppression. There is but one remedy for it—it is that which was found in the case of Hardy and Horne Tooke. The remedy is in the fair and impartial trial by jury. In this country we need not fear such prosecutions. I put the supposed case of a person for a fair exercise of fair discussion being brought to trial

here for a conspiracy; why is it that he has no reason to fear any Government, however arbitrary? Because the barrier of a jury stands between him and tyranny. Because that barrier—a jury of fair and impartial men—will protect the subjects of this realm—will protect Englishmen in the exercise of their rights. It will act as their shield—as their protection against an indictment for conspiracy. Is there such a protection in Ireland? I come back to that of which I have already spoken—the statement of Sir Michael O'Loghlin, that it was the practice since the Union to strike off all Catholics, to "put by" Roman Catholics and Liberal Protestants from a jury. I beg to recall to your mind the general distrust to the administration of justice which was engendered by such a partial proceeding, and I now ask the House to see what has just taken place in Ireland. An accident, it seems, occurred in the making out of the list of jurors. According to an affidavit, it occurred in the Recorder's office; and instead of the general list of jurors that ought to have been made out, there was a list from which sixty names had been omitted. [Mr. *Shaw:* It was not stated on affidavit that sixty names had been omitted.] It is not stated on an affidavit it is true. I see it so stated in the challenge to the array. This is said by one of the traversers:

"But the said John O'Connell says, that the said Recorder did not, as by said statuteable enactments is directed, cause to be made out from said several last-mentioned lists one general list containing the names of all persons whose qualifications had been so allowed, arranged according to rank and property, nor did the said Recorder thereupon, or at all, deliver such general list containing such names to the clerk of the peace, to be fairly copied by said clerk of the peace in the same order as by the said statuteable enactments is directed, but, on the contrary thereof, neglected so to do; and the said John O'Connell further says that a certain paper writing, purporting to be a general list purporting to be made out from such several lists so corrected, allowed and signed as aforesaid, was illegally and fraudulently made out for the purpose and with intent of prejudicing the said John O'Connell in this cause by some person or persons unknown; and the said John O'Connell says that the said list, purporting to be such general list as aforesaid, did not contain the names of all the persons whose qualification had been allowed upon the correcting, allowing, and signing of said lists as aforesaid, by the said Recorder, but omitted the names of divers, to wit sixty, persons whose qualification respectively to be on said list had been so allowed, as aforesaid, by said Recorder, which said several persons whose names were so omitted are as follows."

That was the allegation on the challenge to the array, and the right hon. Gentleman has contradicted me as to a fact, which was technically admitted by the Attorney-general and the law officers, by the demurrer the Attorney-general put in. I shall be glad to find that sixty persons were not omitted. It is stated by this that some sixty persons were omitted, and it is stated by Mr. O'Connell that thirty-five out of those sixty were Roman Catholics, that is a greater proportion than is to be found in the original list, or as it was finally made out. It is stated therein, in the legal manner I suppose, that it was done fraudulently; but I am not aware that any person is charged with fraud. I will suppose that it was done quite innocently, and without any bad intention. But supposing there was that imperfection, then I think it should have been the care of the Government law officers, and of the Government itself, that they should gain no advantage by it. It did so happen, then, that of the forty-eight names that had been chosen, there were only ten of those persons that were Roman Catholics, and it happened that it having been the former custom always to leave out Roman Catholics and liberal Protestants, that those ten Roman Catholics and two Protestants were struck out by the solicitor of the Crown. It does, Sir, appear to me that such a fact of itself deprives the whole of those proceedings of any weight or value. I can understand, if the object had been to obtain a jury to convict—if it had been the practice of some violent partizan adopted for the purpose of sustaining his own views and obtaining a jury to suit his purpose—I could then, and in such a case, understand such a course being taken. It is of such a course that Mr. Kemmis gave this testimony in the year 1832:—

"In consequence of some of the lists in your district not being properly made, the sheriff selects whom he thinks fit to put upon the jury?—That is so. Is not that packing a jury?—No; I cannot call it packing a jury. Packing a jury is a different thing. It is putting a jury to acquit or convict."

If, then, the object here had been to put a jury into the box to acquit or to convict, I could understand the course adopted: the Crown could not so mean to pervert justice; yet where there are ten Roman Catholics out of forty-eight, and the Crown proceeds

to try men, the majority of whom, were Roman Catholics, and then the Crown strikes out every Roman Catholic on that list, it will no less follow that the people of Ireland will think that the jury was made and packed for the purpose of a conviction, and that those accused have not had a fair and impartial jury. I could understand the objection that might have been made if those persons, whether Protestants or Roman Catholics, had contributed to the funds of the Association. This might be a proper objection to them. It might be said, "It is not because you are a Roman Catholic you are to be left on a jury: your being so, does not entitle you more than any other man to be there." But, then with regard to two of those persons who have been struck off, there is an affidavit that two of them, and there is the affidavit made by one of them, that he was not a member of the Repeal Association, and never had been a subscriber to its funds. If that, then, be so, I collect that these two were left out because they were Roman Catholics. If, then, these two were left out because they were Roman Catholics, the conclusion is that the other eight, whether subscribers or not to the Repeal funds, would have been equally omitted. The Crown, therefore, having obtained a jury, from which it took care that every gentleman of the Roman Catholic Religion should be excluded, proceeded with the trial. With regard to these proceedings, you must be familiar with them, and I have already stated that I did not mean to enter into a discussion of them. With respect to the conduct of the Attorney-general I have nothing to say, with the exception of the circumstance that has already been alluded to in this House; and I do so, not for the purpose of making an attack on him, but rather with reference to his conduct by others. In a court of justice, when the judges were just about to enter, when the whole majesty of justice surrounded them, he had so far lost his presence of mind and command of temper, as to send a challenge to another, provoking him to a breach of the peace. It was said by one Member of the Government that such conduct was excusable, because he was subjected to imputations; and what were these imputations? It was imputed that he was not to be considered so much as the counsel in the cause, but as a political party—that he felt that the Government, of which he was the servant, was involved upon this occasion, and therefore he felt a peculiar interest in their success, and departed from the candid conduct which should be observed on that occasion. If such attacks afforded a sufficient excuse for the Attorney-general having acted so outrageously, I ask, is there to be no excuse for the Roman Catholics, who for year after year have been subjected to the grossest imputations, upon whom the most violent attacks of every kind have been made as Roman Catholics—whose priests have been called "demons," and who have found themselves denounced as "barbarians" and "New Zealanders?" Can you think the Irish Attorney-general excusable for his extreme loss of temper, and not be persuaded that some allowance should be made for the warmth and zeal of those who use language, going to the extreme of the fair bounds of discussion, if not beyond it, in resentment of such imputations? I have nothing further to remark concerning these trials. The traversers are now convicted. They are to receive the sentence of the law, and—there you stop. Your vigour ends there, and now let me ask you, what is the benefit you gain? How far do you advance in conciliating the affections of the Irish? What do you expect from these proceedings? Mr. O'Connell is a popular orator; he is a man who has forced the Government, and the Parliament of England, into the concession of the Catholic Emancipation Act. He is a man who has always been a triumphant speaker at popular meetings, and in every part of Ireland during the past year he has been an object of admiration to the people; but I doubt if Mr. O'Connell, convicted by a jury made for that purpose, and exclusively composed of Protestants, sent to a prison to suffer for the people of Ireland — possibly he losing his health, and suffering from his advanced age in a prison — I doubt whether his hold on the people of Ireland may not rather be strengthened than weakened; and if the suffering victim may not have still greater sway over the hearts of his countrymen, and be still more an object of love and reverence than even the triumphant leader. Let us, then, consider what is to be done with the future state of Ireland. Let us consider whether there is no measure—whether there is no course by which we may really unite the people of Ireland to the people of England. Let me observe, that how-

ever much we have now to do with the case of Ireland, that it is not merely for the sake of the people of Ireland we should do this, or that we should be careful in our proceedings, for the evil of the present state of things must be felt on every side. You ought to consider the present state of the finances, the expenditure in filling Ireland with military and maintaining garrisons there. You ought, too, to consider the effect of the present state of things on your foreign relations—the advantage which my noble Friend enjoyed when he spoke the sense of the United Kingdom, and felt that the Government was supported by the affections of the people, in addressing a foreign minister; and how different it is when the people are divided, and one portion of the population is governed by those who are hired and marshalled to restrain them. It is, therefore, plain that we ought on every account to endeavour to settle the affairs of Ireland. I say, in the first place, that we should take care, if you maintain the Union, that the people shall have all the benefits that were promised to them by the Address of this House, and which were sanctioned by the Roman Catholic Relief Bill of 1829. Let them, I say, in the first place have a pure and impartial administration of justice. Let us inform, by a Resolution of this House, the Minister of the Crown, that there shall be no partial, no sectarian administration of justice. If the House go into committee, the first resolution I shall propose will be on this subject. I next would endeavour to form the franchise agreeably to the wishes of the people of Ireland, and as much conformable to the law as it now prevails as possible. Hitherto there have been no forty shilling freeholders in Ireland. A freehold for life is considered a good freehold in England, why not give this to the people of Ireland? Make the franchise in Ireland as large and extensive as it is in England. Mr. O'Connell, in one of his addresses, says that the whole of the agricultural counties in Ireland have not more electors than the single county of York. There are obvious inequalities which you may correct if you are in earnest, and if you act with good faith. There can be no difficulty in governing Ireland, if you will not pursue a course of fraud and violence. If you do, there will be difficulty in your way. It will be difficult for you to conceal your fraud, it will be difficult for you to continue your violence. If you mean to do as Mr. Pitt promised in 1799, and as other Members have since thought right, there will not be much difficulty on this part of the subject. As to the municipal franchise, I say there ought to be the same municipal franchise in Ireland as in England. These are things made the subject of complaint by Mr. O'Connell in the Repeal Association, in answer to the Address commenting upon the Queen's Speech. They are stated in the declaration of my hon. Friend, the Member for Waterford, and other Members of Parliament, at the close of the last Session; they were stated by the Duke of Leinster and Lord Charlemont—no demagogues, levellers, or agitators—in their petition to be presented to this House. All these authorities are agreed as to these grievances. It is, then, the bounden duty of this House to listen to these complaints. As long as this House professes to be the Grand Inquest of the nation, it is its duty to watch over the interests of the people, and enquire into their grievances, fairly and impartially. The next subject that I mean to touch upon is eligibility to office; and here again, by a Resolution, we ought to declare in the terms of the right hon. Gentleman, in his speech, in 1817, that, "exclusion, contrary to act of Parliament, is more galling to the people of Ireland than exclusion in conformity to act of Parliament." There are two courses to be pursued, by one of which Catholics are excluded, and the other by which they are admitted to office—not the emoluments of office merely, but that power and influence in the country, which are legitimate objects of honest ambition. If you had maintained the law as it formerly stood, you would have had this plea in your favour, that you acted with sincerity on your scruples, and maintained the inviolability of the law. But when you altered the law, and admitted the eligibility of Catholics, you did justice to the people of Ireland consistently, as you considered, with the security of the empire. Thus, instead of sincerity and prescription, you had justice and security. But if you do not act in accordance with the spirit of your altered law, you have neither the plea of sincerity, nor of the inviolability of the law, nor of security, nor of justice, in your favour. I come now to a subject very intimately connected with all the grievances of which Ireland complains; it is a subject upon which we have attempted to legislate, but in which we have not succeeded in satisfying the views of the people of Ireland; it

is one in which no just principle appears to me to be applied. I allude to the question of the ecclesiastical Establishment in Ireland. Under its present arrangement the Church Establishment in Ireland combines the disadvantages both of a Church Establishment, and of the Voluntary principle. It has been stated by writers who have contended against the principle of a Church Establishment, that it tends to raise one class in the State above others, placing men in invidious positions, thereby necessarily exciting jealousies and ill-will amongst them; whilst the regulations of the Establishment produce laziness amongst its ministers, and a separation of the salary from the duty. With regard to the Voluntary principle, it has been stated by Paley, Hume, and others, that an important evil attendant upon it is, that Ministers of religion depending upon their flocks for their support, are too apt to diverge from the strict and stern duty of ministers of religion, and join in the agitation of political matters, and to corrupt and pervert those religious tenets which do not coincide with the prevailing sentiments of their congregations. Now, in Ireland, the evils of both the systems described by the authorities I have referred to, will be found combined. We find, on the one hand, arising from it, great envy, great jealousies, in consequence of people feeling themselves excluded from advantages which are retained for a privileged class; and, as a necessary consequence of the great majority of the population being Roman Catholics, we find many well paid Protestant ministers with very inconsiderable congregations. These are evils described as attendant upon the principle of a Church Establishment. But if we come to the evils attributable to the Voluntary principle, we find them also in existence under the present law in Ireland. We find that the great body of the people of Ireland have their ministers supported entirely by the Voluntary principle; and the most deserving of them admit, that that position forces them into political discussions, in a way which true friends of religion would wish to avoid. I see it observed in a pamphlet commenting upon an article in a recent number of the *Edinburgh Review*, that it is highly desirable that the clergy of Ireland should be removed from the hustings and the platform, and from participation in political discussion, which can not but detract from the usefulness of their sacred calling. This is an admission from a writer, who is against a Church Establishment in Ireland. If, therefore, we look at the rankling feeling of the people against the Established Church, which is raised above their heads, and the influence which they must necessarily have over the ministers of their own creed, who are supported by their voluntary contributions, it must be obvious, that the present system in Ireland combines the evils both of the principle of an Establishment, and of the Voluntary principle in one predominant evil. That this subject is one most difficult to deal with I will not deny. Yet I do not consider the Act of Union one of the main difficulties. It is true, the Church Establishment is one of the principal articles in the Act of Union. That Act was agreed to between the two countries, with the concurrence of the Parliament of Ireland, representing by law the people of Ireland. Yet without making any remarks upon the motives of the parties who were concerned in framing that Act, I certainly can see no reason why, if in framing it they introduced any provision which the people of Ireland did not concur in, those provisions might not now be altered to suit their views and circumstances. For my own part, I do not think you can remove the grievances which now press upon Ireland, unless on the one hand, by adopting the Voluntary principle, or on the other, by making an Establishment not for one, but for all religions which exist there. With respect to the Voluntary principle, I think that it is liable to insuperable objections. I do not think, in the first place, that it would promote the great object of establishing peace and harmony between various classes and denominations of people. Although the successors of the present Protestant clergy would lose their stipends by law, I do not think they would lose their zeal for the Protestant religion any more than is the case with the Catholic clergy now. I believe on the contrary, that the clergy of the two religions would contend more fiercely than they do now; and that is one main reason why I object to the Voluntary principle. Also I see no little danger in the proposition lately made by the hon. Member for Montrose. If the Voluntary principle were adopted in regard to Ireland, I do not see how we could long refuse an inquiry into the number of Dissenters in the United Kingdom, and the utility of the Church Establishment altogether. The system, therefore, which I should be disposed to adopt, would be one which would

put the Established Church, as regards the Roman Catholics and Protestants, and the Presbyterians of the north of Ireland, on a footing of perfect equality. I know the difficulty in the way of the immediate accomplishment of such a measure. I am aware that, in offering endowments to the Roman Catholic clergy, it might be looked upon in the light of offering them bribes to abandon the interests of their flocks, as regarded their civil rights. But if we begin by giving them these civil rights, and so conciliate the affections of the lay portion of the Roman Catholic population, I do not despair that, with their willing consent, we may be enabled to induce their clergy to form part of a general Church Establishment. For the present, however, the utmost that can be done would be a very remote step to this desirable end. I think, for instance, that an improvement should be made in the Ecclesiastical College of Maynooth. I think that at least double the sum which is at present allotted to that establishment should be bestowed upon it. I have in my hand a return of the salaries of the professors and officers of that College, and I think them miserably inadequate. The salary of the Principal is plainly and meanly insufficient. I think, also, that there ought to be more professors, and more means afforded by which a sound and liberal education could be obtained in the College. When I speak of a liberal education, in connection with the Roman Catholic Church in Ireland, I do not mean in this to imply that I am of opinion that the clergy should be taken from a higher class of society, or belong to a different rank. I think there are great defects in the course of education now afforded to the Roman Catholic clergy in Ireland; but it has been a maxim of the Roman Catholic Church, and I think it no unwise maxim for any Christian Church to adopt, that men, however lowly born, having sufficient attainments in religious doctrine and other branches of knowledge, are as capable of rising to eminence in the Church, into the highest posts among the bishops and clergy, as any man born in the highest ranks of society. All that can be done, however, in the present inferior state of the establishments for the education of the clergy, would be to give larger sums to promote the utility of these establishments, and to improve the facilities for the foundation of glebes and glebe houses. Such are the only means of improvement available at present; but I look forward to the time when the present circumstances of irritation shall have passed away, and confidence in the Government pervade the minds of the people again, which will enable us to give exactly the same advantages to the Roman Catholics and Presbyterians of Ireland as are now enjoyed by the Protestants. At all events, I think that we ought to take away every thing derogatory to the position and character of the Roman Catholic bishops. You provide by statute that they shall not be allowed to style themselves by the name of the diocese over which they preside. I think that a most foolish prohibition. You declare that Doctor Murray shall not style himself the Catholic Archbishop of Dublin; but he is so, nevertheless, and a man of very high attainments and character, in the eyes of the people of Ireland. If there was any other restriction existing to prevent the participation of equal civil advantages by Roman Catholics, Presbyterians, and Protestants, they ought also at once to be taken away. There remain for consideration the arrangements necessary for extending the utility of the clergy of the Established Church; and upon this point I concur in the plan propounded, as it is said, by Dr. Whateley, the Archbishop of Dublin, for making it a Church of congregations, and not of parishes, as it is under the present system. We heard it stated last year, in tones of boasting, that in every place where there were only two Protestants, there was a Protestant minister endowed with a sufficiency, to attend to their spiritual wants; but surely there is no necessity where there are 3,000 or 5,000 Roman Catholics and only two Protestants for a parochial distribution in such a case. On the other hand, however, we heard also last year of the case of a parish where there were 1,000 Prostestants, over whom Lord de Grey appointed a minister at 100*l.* a year, at the same time not separating an ecclesiastical union in which the income was much larger and the congregation much less. But in that case, I say, the rule should have been just the reverse. Instead of taking away from the emoluments of the ministers of such a parish, you should increase them. I think the Protestant Church ought to be fully provided for, but at the same time I do not believe that anything like the amount at present allotted to it is necessary for the purpose. If you compare the amount allotted to the Irish Church with that allotted for the Church of Scotland, and in most continental countries, I think

you will say, that it is not necessary. In Ireland, about half a million of money will arise from accumulations of the Perpetuity Fund, available at any time for ecclesiastical purposes. There are also the acts passed some years ago, for the abolition of the vestry cess, and for regulating the purchase of church leases; if you add to these the deductions of 25 per cent.on tithes, you will find the Church has lost about 300,000*l.* a-year since 1830. Now, how has this money been applied? Has it been given for the spiritual instruction or general education of the people? No; it has all gone in fact, if not in form, into the pockets of the Protestant landlords. I cannot think, therefore, if we have had no objection to diminish the property of the clergy to such an extent, that when a great religious and spiritual object is to be obtained, Parliament should hesitate to do what is necessary for the purpose. I come now to a subject upon which I need not detain the House long; but which, perhaps, is the most difficult subject connected with the affairs of Ireland which the House and the Government has to deal with: I allude to the disorders arising out of the state of the tenures in Ireland. It is very easy to object that fixity of the tenure would amount to a confiscation of all property of Ireland. Yet who can shut his eyes to the present evils? I hold in my hand a description by Mr. O'Connell of the present state of things in Ireland, resulting from the existing relations between landlords and tenants, and pointing out matters to which I think it behoves the House to look very seriously. Mr. O'Connell said, in one part of this address:

"The connection between landlord and tenant in Ireland, arranged as it has been by a long course of vicious legislation, wants that mutual confidence which is essential to the benefit of productive industry. The labouring population, unable to obtain employment, live habitually on the verge of extreme destitution. They must obtain land or they die. The issues of life and death are in the hands of the landlords. The massacres of the clearance system consign to a premature and most miserable grave hundreds of thousands of victims. They are wholesale murders, followed by the assassination, in detail, of the instruments of landlord rapacity. These crimes, on both sides, cry to Heaven for vengeance and redress—for a redress capable of giving to the landlord his just right to adequate rent, and to the tenant just protection for the produce of his labour and capital."

A little further on he writes—

"The relation between landlord and tenant cannot subsist as it is in Ireland. It is a subject replete with the utmost difficulty. Its solution is filled with dangers. It would require the aid of the honest and feeling portion of Irish landlords to enable the honest and conscientious friends of Ireland to place the relations between landlord and tenant on a satisfactory footing to both.

It is impossible to read these passages and not admit the general truth of the picture they present: and when we then recollect that this picture is drawn by Mr. O'Connell, the leader of the people, who seeks to point every argument as to the benefits to be derived from a Repeal of the Union, we cannot but think that the obstacles must be very powerful which force him to admit that the solution of the difficulty is one which must be fraught with great danger. I will not state an opinion as to what that solution ought to be. Her Majesty's Government has appointed a Commission to inquire and collect evidence relating to this subject. I doubt how far this inquiry may be necessary, seeing the abundant evidence which already has been produced before every committee, and in every inquiry and discussion that has been had on the subject of the affairs of Ireland. I see in a pamphlet entitled "A Cry from Ireland," narratives of the most heart-rending description, but as they may not have been ascertained to be true, I will not venture to repeat in this House; but which cannot all be mistaken, and which show that in the name of the law, and by the means which the law gives them, some landlords are exercising a fearful and dreadful power in Ireland. It would tend to the mitigation if not to the removal of these evils, if steps were taken to render the administration of justice more pure, and above all, more separate from the influence of the landlords. Upon this ground, therefore, I should wish to see a great extension, instead of a diminution of the system of stipendiary magistrates. I should wish also to see the law altered in every respect, where statutes passed since the Union have given power which may be perverted to such dangerous purposes as are here described. I should hope by these means, indirect as they are, that many of these acts of rapacity on the one hand, and of vengeance on the other, may be curbed and checked; but I do not say that I know any direct remedy that could now be applied to so great, so extensive, and so long pre-

vailing an evil. It is more than half a century since a state of outrage and calamity so general as prevails now in Ireland, existed there. Let no one think by a single Act of Parliament to eradicate all the evil consequences naturally flowing from a long course of mis-government. Having now detained the House at such length, I will not go into further detail as to the various complaints and grievances which, if the House gives me the committee I ask for, it will be necessary to take into consideration, and which it will be necessary for Parliament to legislate upon before it can hope to remove the disorders which are now complained of in that country. I wish, however, to state to you the sentiments of a great statesman, speaking after the Union with Ireland had been carried, as to the spirit in which the government of that country should thereafter be administered, and the warning and advice contained in which remarks are but too applicable to the present state of things. In answer to the allegation that the Irish were disaffected to this country, and that a law was necessary to repress treason, Mr. Fox uttered these words:—

"If it be true, as they allege, that treason has tainted the people to the bone—if the poison of Jacobinism, as they call it, pervade the whole mind of the multitude—if disloyalty be so rooted and so universal that military despotism can alone make the country habitable, it would be against the experience of the world that such a wide and deadly disaffection could, or ever did, exist in any nation on the globe, except from the faults of its governors. To this country too—to England, what a contradiction in the conduct of these hon. gentlemen to their professions! This nation was to reap marvellous blessings from the Union, but of what benefit is the junction of four or five millions of traitors? Such, the laws proposed by these honourable gentlemen tell you, the Irish are; but such I tell you they are not. A grosser outrage upon truth, a greater libel upon a generous people, never before was uttered or insinuated. They who can find reason for all this, in any supposed depravity of the Irish, totally misunderstand their character. Sir, I love the Irish nation. I know much of Ireland from having seen it; I know more from private friendship with individuals. The Irish may have their faults, like others. They may have a quick feeling of injury, and not be very patient under it; but I do affirm, that, of all their characteristics, there is not one feeling more predominant in every class of the country, from the highest to the lowest order, than gratitude for benefactions, and sensibility to kindness. Change your system towards that country, and you will find them another sort of men. Let impartiality, justice, and clemency take place of prejudice, oppression, and vengeance, and you will not want the aid of martial law, or the aid of military execution."

Such were the sentiments of Mr. Fox. Such was his advice to the Commons of this country. Let us hope that this advice may not be lost. He has long been in the grave: he lies interred in that receptacle near us, where the remains of the greatest men of all ages have been consigned—

"At non in parvâ manes jacuere favillâ,
Nec cinis exiguus tantam compescuit umbram,"

The words of Mr. Fox must remain to all time to animate all those who attempt to speak in this House in behalf of the oppressed of whatever class or nation; but they will serve especially to animate those who speak in behalf of oppressed Irishmen, when they declare that such a man, loving Ireland as he did, knew only of one way to win the affections of its people. The House has now the opportunity—a late one certainly, but still sufficiently in time—when it may realise and carry into effect that which Mr. Fox said was the true policy which this country should adopt in regard to Ireland, after it had been united to us in legislative union. I will refer now to the statement of an author of great genius and celebrity, in respect to another country, in which great disorder and turbulence and unhappiness prevailed for a long period after it had been united by statute with this country. It is an observation made in regard to Scotland, by one of her sons who loved her well—I mean Sir Walter Scott,—it is related by Sir Walter Scott, that when George 3rd came to the Throne, the people of Scotland looked upon their young Sovereign, and expected under him all the harsh and rancorous policy which had occurred in the reigns of his predecessors. An officer having been proposed to him for a commission in His Majesty's army, it was reported to him that this gentleman had fought in behalf of the Pretender, in whose service he had signalised himself by many acts of valour and devotion. The King replied—"Has this gentleman really fought so well against me? Then believe me he will fight as well in my cause." On this speech being reported throughout the Highlands of Scotland, it produced an immediate and wonderful effect. The brave men of these northern regions still thought, as they had declared at every hazard, that the house of Stuart was the rightful claimant to the

Throne. Yet from that moment there was not one who would not lay down his life for a Sovereign who had thus opened his arms to receive them. We have now a Queen on the Throne of these realms, in the time of whose grandfather many acts of severity, of partiality, and of injustice were perpetrated; many deplorable scenes of civil conflict enacted in Ireland; martial law was established to repress revolt, and the people were agitated by many impracticable notions in opposition, as they considered, to the policy of their oppressors; and a rebellion burst out by which the whole state of society was thrown into the most lamentable disorganisation. The present Sovereign of these realms is young, as George the 3rd was when he came to the Throne. She is separated from the memory of all those calamities. Why should not the present Queen reign over the hearts of the Irish people? and however they may lean to Repeal of the Union as an abstraction—as the Highlanders entertained an abstract notion of the right of the Stuarts—the real practical benefits of equal rule and impartial justice, and the affection of Her Majesty for all her subjects, would unite them to her in indissoluble allegiance. What is it that prevents such a happy consummation? Not, I will undertake to say, the wishes of the Sovereign; for that Sovereign I have served, and a Sovereign more anxious for the benefit and happiness of all her people, it would be impossible for any Minister to serve. Never did I receive, when I was Secretary of State for the Home Department, any instructions from that Sovereign, but such as bespoke an equal regard for all her Irish subjects—for Protestants, for Catholics, and for Presbyterians. What is it then, again I ask, that stands between Ireland and such a desirable consummation as that which took place in regard to Scotland many years ago, and under the effect of which, that country has become a happy and prosperous brother of England? Will this House stand between Ireland and her happiness? If the House do so decide, it will indeed be taking a serious responsibility upon itself. The effect of that resolution will be to expose the country for many years to the evils of an arbitrary and precarious dominion over Ireland, and of diminished powers and influence as regards foreign nations; but if, on the other hand, rising above such prejudices as have too long had influence in the direction of these matters, you firmly desire to give practical efficacy to the Union between the two countries, and to knit together the hearts of Her Majesty's subjects, and throwing aside the terrors of military array, and all the intricacies and quibbles of prosecutions, relying only on your own hearts and theirs, you will give the people of Ireland the glorious inheritance of English freedom—I will venture to say that in the experience of that policy the hopes of this House will not be disappointed.

Mr. *Wyse*: I rise to second the motion of the noble Lord. Under ordinary circumstances, I should have felt how unequal I was to do justice to the many important bearings of the question now before the House, after the speech of the noble Lord,—at once so wise and so eloquent—so energetic, and so comprehensive—with his usual sagacity, searching the present and the past, and from both, educing the soundest policy for the future—so far from feeling this sense of my incapacity diminished, I regret to find it considerably augmented. But there is enough in the question itself, to make me forget even this consideration; it is a duty to perform—a sacred duty—at a period unexampled in the history of the country. At what period have existed greater necessities for prompt, thorough, conclusive legislation? When have there been mightier parties, greater contrasts, more astounding anomalies in conflict, than in our present position? If a stranger who had witnessed the passing of the Relief Act in 1829, were again to visit in the present year our shores, could he, by any ordinary rule of historic experience, or state policy, explain or comprehend it? I, in common with others of my fellow Catholics, assisted at that great event—for great in every sense it was—both in reference to past and future;—I thought I saw in it—and not unnaturally—atonement late, but still at last, for former wrongs and follies, recognition, forced it might have been, but still ample, of the utter inefficiency and cruel absurdity of the penal code;—I thought I saw in it something even more than this; not recognition only, but repentance—and not repentance only—but amendment;—I looked from the past to the future;—I considered it, far from being a final remedy, but as the first of a series of remedies, for the recovery of one country, and the welfare and security of both;—not indeed, good government established, but an obstacle to the establishment of good government removed; abjuration no doubt of error, but what I valued

much more, the firm resolve of all parties to join in removing, one by one, to the very last stone, that bad work of oppression and misrule at the construction of which, they and their predecessors had so long laboured in vain. Was I unwarranted in these expectations? Could any man, at all sensible of the lessons of history, the dictates of common sense, the very scenes passing before him, have judged otherwise? If such were not the convictions and feelings and purposes of the actors what folly it must have been on their parts to have moved at all! I saw a Minister of the Crown in his place in Parliament, in the teeth of his invincible resolves of the preceding year, solemnly admitting that the time had at length most fully come when resistance could no longer be maintained, except at the hazard of civil war, boasting of large sacrifices of personal feelings and friendships to the public good, uttering ardent aspirations to Heaven, that it would "knit together all hearts in the bonds of brotherly love and affection," and pointing with a lofty hope to the future, as to a new era of equality, fraternity, and prosperity, of which he took to himself the glory of having been the founder. I saw the Parliament receiving this recantation and prophecy with approbation, almost with acclamation, and even the most reluctant at length bowing to a necessity they could no longer prevent or control. Out-of-doors, the prospect was still more encouraging. No opposition, no triumph. The Protestants acquiesced; the Catholics received the boon with open hearts and arms. They shewed none of the excesses of the manumitted slave: they resumed their rights without one word of recrimination on those who had so long withheld them. No memorial to commemorate, no banquet to celebrate, no medal, no arch of triumph, no illuminations. I myself joined with my fellow-labourers to dissolve the Association before the act arrived; to prohibit every expression of exultation, lest it might give the slightest offence, even to the bitterest of our opponents. Differences of religion were forgotten, identity of country only remembered. A generous amnesty was proclaimed, and for the first time in our history (1782, was the triumph of a portion, 1793, only a half toleration) was the entire people allowed to join heart and hand for the people's good. Never yet opened on any country, better or brighter hopes of thorough regeneration. Nothing seemed necessary, but to carry out what had been so well begun, and for this, nothing more was requisite than what any Government, who think it worth their while to stir at all, must be supposed to possess—common generosity, and common understanding. We are now in the year 1844, fifteen years have passed away, a period long enough, it might be thought, to have tested both measures and men. Fifteen years have now passed away, and what do we behold around us? Any one of those bright, and natural anticipations, rendered a reality? Any one of those pledges thoroughly redeemed? The Emancipation Act a fact or a falsehood? The Catholic and Protestant completely equal? Concord restored, peace universal, prosperity in steady and continuous advance? Look to the history of the last few months, nay weeks; there shall we find our answer. What does it present? The bonds of society broken: the nation separated into hostile armies: sectarian dissensions, civil contentions, international hates, fears of rulers, indignation of subjects, these are the chief features of that fatal history. By the Act of Union, Ireland was to be made one country with England, "bone of her bone, flesh of her flesh:"—millions of Irishmen have risen up, as one man, to protest against it. By the Emancipation Act, religious equality and peace was to be for ever established: nearly 400 Catholic meetings have just been held to protest against the wrong and insult which have been lately offered to their body (four-fifths of the nation) by the Government, in striking off all the Catholic jurors from a jury destined to try Catholics, and in the issue of whose verdict scarcely a Catholic heart in Ireland but was most deeply interested. Equal laws were to be indifferently administered to all: the law of the rich was to be the law of the poor, the law of the Englishman was to be the law of the Irishman, the law of the Protestant was to be the law of the Catholic: Has this been done? Has the promise been kept? What do we hear on every side? Complaints long and loud, and what is worse, just—of franchises curtailed, justice tampered with, privileges but half given, and those which have been given rendered abortive and ineffectual in operation. Eligibility was to have become election: Catholics were not only to be admissible, but to be admitted to offices of trust and emolument. Where are they to be found? not only are they excluded, but their most marked opponents are promoted in their places. Po-

verty was to be exorcised with religious dissension from the land: it has returned with seven devils in its train, worse than itself. Every good has been turned to evil, every intention has been distorted or neutralised in execution: names indeed have been somewhat changed, but Ireland is still in great measure the Ireland that she always was. Despite of Union Acts, despite of Emancipation Acts, despite of Reform, Municipal, and Poor Relief Acts,—despite of every legislative remedy yet applied, Ireland is yet to be reclaimed:—not by law, but by force, by the grace of bayonets and artillery, and not by the bond of men's hearts (the only sure and lasting guarantee for the connection) you hold that land. It is to-day, as it has been for centuries, a mere garrison government.—You encamp on the soil, but you do not rule the mind of its people. This is the Ireland of 1844. What is it better than the Ireland of 1829? Has the Emancipation Act yet been passed, or turned out, as has so often been said of the Reform Act (perhaps on similar grounds) a complete failure? It is on your Statute Book, but I do not see it yet in your practice. It is not indeed dead, but if we regard its action, it assuredly sleepeth. If it fails, it is because they who ought to be its zealous executors, will not allow it to succeed. Our condition is an enigma, an anomaly, but the solution is to be found opposite. On those Benches sit the men who first introduced the measure: on those Benches sit the men who were and are entrusted with its administration. If it has failed, they, not Ireland, are accountable for its failure. And yet they seem amazed at effects which they themselves have produced. The act has not been carried, but with reluctance, beyond the Statute Book. Not how much ought to be given, but how much could safely be refused, has been the question. And yet they are astonished. They would govern by contradictions, and wonder that all is complicate: they would repeal in act what they give in words, and wonder that all is not tranquillity: they would degrade Ireland to an inferiority to England and wonder that there is no real union; they would degrade Catholics to an inferiority to Protestants, and yet wonder Catholics should complain that the Emancipation Act has not yet become a reality. But the real wonder is their own fashion of governing. To me, I confess, it is utterly incomprehensible. I know of only two rational modes of governing any country: by fear, or by love,—by force, or by justice. Either of these are quite intelligible; their means are different, but so also are their objects; the ends at all events are clear, and the means are adapted to and equal to their accomplishment. But the third mode which is neither of these, and affects to combine both; which is gentle when it should be strong, and strong when it should be gentle; which pretends to command affection, and attempts to terrify into attachment, which imagines, by the cheap artifice of words and promises unaccompanied by acts, to seduce, when it fails to alarm a country into obedience: this forcible-feeble policy appears to me a complete solecism from beginning to end, it has the vices of both and the virtues of neither, and is just that mode of government which is sure to render the governed discontented, and the government sooner or later contemned and ineffectual. A despotism I can understand. I can comprehend a policy like that of Russia, in regard to Poland. It pretends to nothing but annihilation, and adapts its instruments to its purpose. Down comes an Ukase, and sweeps away representation; it is followed by another which extinguishes the press: a third perverts education: a fourth prohibits the national language, and the national religion: and a fifth transports the inhabitants, and seeks to obliterate nationality itself. It does not even affect moderation. It kneads, breaks, crushes together: it is not participation, but subjugation, which it aims at; not union, but absorption. I can understand this, and I can also understand attempts at a similar process, from time to time, in Ireland. I can understand the policy of the Norman invader, attempting to push his English encampment into the heart of the Irishry, granting English law, English customs, English alliance, to those aliens in blood—aliens in language, though not yet aliens in religion, with whom he was surrounded—as a favour. I can understand Elizabeth, adding this instrument of subjugation rather than concession to those which had preceded, and not only insisting on Anglicising Ireland, as we now insist on uniting it, by force, but as the only mode of Anglicising it effectually, on Protestantising it also: I can understand James confiscating by wholesale, that he might plant by wholesale, and reckless of the habits or feelings of the natives, instead of winning Ireland to England by the mild influence of English laws, forcing England on Ireland, by the rude substitution of English proprietors. I can

understand Cromwell, disdainful of the slowness of these peace proceedings, revolutionising not by the pen, but by the sword, and hopeless or careless of incorporating, recurring at once to extermination. He deprived the Irish as far as he could of Ireland, by driving the wretched remnant of the nation beyond the Shannon, into the wilds and wastes of Connaught, as his Saxon fathers had driven the Britons into Wales and Britany, thus making, as he hoped, by the extinction of one people, place for a second. All this is obvious, it requires no explanation: it is straight marching to a well-defined object. The purpose is seen, and how it was attainable. What followed, was equally creditable to the same savage, plain-spoken policy. William's wars were nothing more than a struggle between the old and new possessors of land, and the power and privileges which land confers, between the ancient proprietors and the new adventurers of James, Cromwell, and William, in which, with England at their back, the latter naturally succeeded. And all after-history is, under different forms, only a repetition of this. Protestant religion, English connexion, British constitution, are but so many various ways of saying the same thing—land and power for us; exclusion, poverty, weakness, for our enemies. Protestant ascendancy was made chief gaoler of the Irish people, and was protected by England, for its anti-national services. For it, and its abettors, the whole Penal code was constructed and maintained. The muscle was to be enervated, the mind was to be extinguished, of the great mass of the Irish people, that these new masters, and their masters over them, might reign in peace, over slaves. For such an end—no very glorious one, certainly, but still, as I said, intelligible—was this atrocious code well adapted. It was to make Ireland the bondsman of an oligarchy, and to make the oligarchy, as price for the privilege of this domestic tyranny, the bondsman (turbulent it is true, but still crouching and subservient) of England. Henceforward a party was substituted for the nation—the governors were everything, the governed nothing. Men spoke of their country, and in every thing their country was left out. This was the government of fear, and force. I said it was intelligible. It had at least that merit, but had it any other? Had it, even in reference to the end which it proposed, the only merit for which such a system was worth anything, the merit of success? I do not ask what was its morality, or its happiness, or its prosperity. These were considerations which never entered into the contemplation of its constructors: I do not ask how far it went to benefit the great body of the people. For them I have already said, it was not intended. But I do ask, what was its soundness, where was its security? where were its conquests, its glories, its rewards, how far did it benefit the governors, even at the expense of the governed? what gained the oppressor, as a last result, beyond the oppressed? This odious, this Tartar policy, by a righteous dispensation of Providence, was a failure—a succession of failures; it was attempt, and defeat, throughout. Had it, in any one stage, been thoroughly carried out, it might have answered its end. If the invasion, conversion, extermination, confiscation,—if any one of these projects had been complete—there would have been, doubtless, much evil; but this evil might have, perhaps, been followed by some good. But everything was done by halves—men and circumstances revolted against it. The Norman instead of conquering, was conquered. In vain, year after year, the Irish enemy (as the records of Irish corporations testify) was solemnly expelled from the towns; they as constantly returned, and finally absorbed their invaders. The English Baron changed his name, and became more Irish than the Irish. Elizabeth established a ritual instead of a faith; an establishment instead of a religion. Her Common Prayer had to be translated into Latin, to win the prejudices of the people, though the Mass had been abolished in England, because amongst other reasons, it was in Latin; and yet the Protestant Church of Ireland remained one vast sinecure;—teachers without scholars—shepherds without flocks. Read Boulter, you will there see the ignorance of the clergy could only be equalled by their indolence and immorality. They were hardly, in their lives, Christians:—the people, as it might have been anticipated, remained Catholics. Cromwell drove the Irish into Connaught,—Connaught restored them after his death back to Ireland. Half the Catholic property of my neighbourhood is held by the surest of all titles, the confiscating patents of Cromwell's soldiers. Even the plantation of James prepared for the wars of Charles, as the wars of Charles by puritanical emigrations, and hostile accessions from the refugees from England, led to the outrages of Cromwell, and all the fatal, and

profitless disasters which followed. The conquest of William left nothing but a fortress government, in the midst of an enemy's country. Even the penal code, as a permanent defence, was itself defective. It involved conditions, which must have proved fatal, even to its administrators. With all its bad perfection, it did not go far enough, for the foolish wickedness of its authors. It had flaws. It did not annihilate—it did not incorporate—it did not reconcile — it did not convert. It impoverished the people, but with the people, it impoverished those also who had to live on the people. The Catholic was prohibited from holding leases of land: with what spirit could the serf cultivate it? He could not make money at home, he sought and made it abroad, and returned with it. Excluded from all opportunities of expence, he was like the Jew forced to accumulate—he accumulated. The Protestant master, in the mean time spent; his position forced him to prodigality. He soon wished to sell—he soon was compelled to sell; but there were few purchasers in the market. A relaxation in the strict provisions of the code became necessary—not for the benefit of the Catholic tenant, but of the Protestant landlord; the leasing laws were remodelled; —not for the advantage of the Catholic purchaser, but the Protestant seller (competition raises value) the Catholics were allowed to purchase property. But in the removal of one stone, they rendered certain the removal of the whole. The first acre of land a Catholic was allowed to make his own, virtually secured every other right and privilege which has since followed. On that day was virtually passed the Emancipation Act. With leases came the franchise, again for the advantage of the Protestant landlord and not of the Catholic tenant. The tenant was allowed to vote, but not for himself, but for his landlord: instruments they had been; it was never intended they should be any other than instruments. But with wealth, came education (they smuggled it, they travelled for it)—and with both, power, and with power discontent at oppression, and with discontent, the determination and means, sooner or latter to get rid of it. They were associated with all the burthens, and defrauded of all the benefits of the State; that State a free State; creating the desire contributing in its own despite the means of sooner or latter acquiring them. Not one single law which might not be shewn, equally with those to which I have just alluded to be a source of misery, wretchedness, debasement, and humiliation as well to the oppressor as to the oppressed. Such are the eternal laws of God; no man can exercise tyranny over his fellow man with impunity; at the very time he thinks himself most successful in crushing his slave, he is most the victim of his own tyranny. After all his base truckling to England—after all the large price of national dignity, power, and prosperity, which he had paid for this patent of doing wrong, the Protestant, in the height, as he believed it, of his power, found himself compelled to prepare the destruction of that very edifice, at which he had so long laboured. The concessions of 1776, which raised the Catholic from villainage, were as a matter no longer of choice, followed by those of 1793 which half emancipated him. But who for a moment could suppose, that he, or indeed mankind and events could stop here: they did not. Then as now, in 1776, in 1793, in 1829, there were men who cried out "that concession had reached its utmost limits," then as now, there were men who clamoured "conspiracy," but then as now they created that very necessity which they wished to prevent, then as now they drew tighter that very confederation which they hoped to have for ever scattered. By their sagacious delays, their reluctant concessions, they gave the power, but did not extinguish the desire to obtain ample and complete justice. They forced the people on themselves. The Catholic Association was founded. A fatal precedent was established far more perilous than the largest of the franchises, which had been so pertinaciously refused. They created, by refusing to incorporate the people into the State, a State outside of the State, a law which was not the law, and a constitution which under the most legitimate forms, was destined to break through the Constitution. They raised a power, above and beyond the power of the Government, which wielded souls as well as bodies, and perfected an organization, such as I believe never yet existed in any country and which I am quite sure, never could exist for any long period without crumbling in pieces all its institutions. But this occurred not suddenly or by chance. It required many a long and severe lesson, before the people became fully sensible of their rights or the means by which they were attainable. In 1776, the people could not be induced to join in the simplest, the most humble demands. There exist papers addressed to some of the

principal Catholics of that day, by which it appears, that it was with the utmost difficulty even those gentlemen could be induced to petition at all. The great mass of the population lay altogether dead or inert, they hardly seemed to know or feel they had wrongs. A few years after, those four or five leaders met together in a back room in Dublin to apply to Parliament for a redress of grievances, and if afterwards these four or five increased to numbers sufficient to fill a chapel, or cover a mountain's side, not to their own exertions only, but to the unwise policy of their rulers—to the constant stimulant of insult and of oppression—it must be attributed—they were spurned and they confederated; they were prosecuted and they flourished. Waterford broke the yoke of the Beresfords, Clare followed; not a county in the next election, but would have shewn itself a Clare or a Waterford. There was then as now, an Association, there were then as now, Monster Meetings, there was then as now, call it what you may, Conspiracy or Combination, the common sense of wrong, the common resolve to obtain rights, the unanimous action for a legitimate object, of seven eighths of the Irish people. Then as now, there was the same cry of impossibility of not yielding to clamour what had been refused to justice, down to the very eve of Emancipation. The strongest speeches perhaps ever made against it, were those of the preceding year. Yet Emancipation did pass, and pass too at the instance, and by the instrumentality not of its advocates, but of those very men who up to that hour, had been most opposed to it. Unhappily it passed too late, for all the good it was otherwise calculated to produce. It was given under the dread of civil war—avowedly with reluctance: not from conviction, still less from generosity; not given but extorted; a conquest and not a boon. It dissolved indeed the confederation but left behind the secret of how it might be re-combined. Had such a course been adopted with the Reform Act or Reform Agitation, where should we be now? This was the end of the government of force in Ireland or at least ought to have been the end, had the men who undertook to terminate it understood the nature of their task. Had they for a moment looked back or looked forward they would at once have seen, that it was impossible any longer to maintain it, and this once admitted there was no alternative, but to adopt a totally opposite policy in its place. Every page of history taught this; it was a system most evil, even if it were practicable; most impracticable, even if it had conferred the greatest good. What were the gains at the end, of all? Concentration of wealth and power in the hands of the few, consequently poverty and weakness for the many, disruption of the orders from each other, great luxury, great corruption, with great misery, great crime side by side; the separation of the nation from its governors; legislation, partizan factious, palliative weakness, and oppression combined; the people existing in want and hostility, anxious for alteration, prone to sedition, ready to rush at every opportunity into riot, if not revolt. Were these blessings? Certainly not. Would any country regardful of its safety have consented to prolong them if it could help it an hour? Certainly not. There are men who think Emancipation ought and could have been delayed. Ask the Duke of Wellington if he thinks so. Others, still more extravagant, think it ought and can be repealed. Repeal the Magna Charta! you can expunge a statute from your Statute Book, but it is the sword only which can hew their liberties from the hearts of a free people. The coercion system stood condemned—condemned by its own ruins—by its inefficiency, not less than by its wickedness. There remained only the course of justice, the course of equality and conciliation. Did you adopt it? During the short time in which the right hon. Baronet Sir Robert Peel, remained in office, from the passing of the Emancipation Act to the passing of the Reform Act, all parties were disposed to give him credit for the fairest intentions to carry out the new principles of Government, which with the new law, it was naturally presumed, he had also introduced. Perhaps the period was too short to justify any opinion one way or other. One thing, however, is tolerably certain, these intentions were unfortunately never developed. The gates of the constitution were thrown open, but as far as office was concerned, there were watchers placed beside them, to forbid the Catholic to pass. The people, indeed, did all they could to make it a reality; in the hands of the Government it remained a phantom. Not only none of the members of the late Association were promoted, but none of those who were opposed to, or unconnected with the Association. How could it be otherwise? The men in power were not the men, truly speaking, who had passed Emancipation, but the men who could not prevent Emancipation from

having been passed. Another Government succeeded to that of the right hon. Baronet; the Whigs came in, and with them, other maxims—another spirit—another policy. They ruled, not in opposition to, but in accordance with the intention as well as letter of the Emancipation Act. They sought to make it a truth. They had much to do to expel the bitter recollections of the past; to give the country a future; to win the people to their rulers; to persuade factions to an identity of feelings and interests. They had no magic spell, but that so obvious, and yet so little used—simple justice. They deserved and obtained the confidence of the people, by confiding in the people. The Catholic, admissible by law, was no longer excluded by Government. Crime was subdued by justice, tempered with, but not enfeebled by mercy. Property was taught that it had duties, as well as rights. The unpaid magistracy was checked in its partizanship by the Stipendiary. Great legislative measures were passed, embracing, not sections, but the whole people. The Reform Act, and the Municipal Act, restored to the citizen, whether Catholic or Protestant, his legitimate share in the Government of his country. Education was made national; the several religions, government and people, were associated—were interested—in its joint administration. Ireland, for the first time, looked up to, and relied on its Government. All could not be done—but all was hoped. No nation ever trusted with more patient confidence to intentions. Repeal slumbered, and England saw with astonishment, for the first time, regiments ordered from the Irish shores to quell her own disturbances. If the country was not wholly, or at once pacified, pacification, in its true sense, had at least begun. The right path had been entered on. This was the system of justice, and equality, and love. Compare it with that of wrong, and degradation, and hostility. Which of the two is the better?—which has been the easiest?—which has been followed with most success? But the third—the no-system—the system which hangs between both, with promises in words, and distrust in acts, this system was adopted in all its evil consequences, by their opponents, the Gentlemen who sit opposite. On the Opposition Benches, as on the Ministerial, their whole purpose, when they could no longer refuse, seemed to have been to maim or delay. If a Reform Act was to be passed, the question was not how much, but how little was to be given to Ireland. If a Municipal law was under consideration for Irish boroughs, the point was not whether it would benefit the country, but whether it would alarm the Bishops. National Education was denounced simply because it was national; and the very Catholics whose gratitude was claimed were held to be hardly trustworthy on their oaths. A Registration Bill was hurried on, with the most factious speed, not to extend or improve, as it purported, but to limit the franchise, as the act for the confirmation of the Articles of Limerick, was an act for their violation. My noble Friend (Lord J. Russell) has detailed to you, with equal clearness and justice, the proceedings upon that bill; what do they shew, but that of which we have witnessed a thousand proofs, that the same anti-emancipation spirit which had so long resisted the passing of the Emancipation Act in 1829 still survived, notwithstanding all their professions, in the acts of the same party, in 1840 and 1841—that they would, if possible, extinguish the vitality of that measure, and replace the Irish Catholic virtually in the same position he occupied before it had become law. If any of the measures which the late Government had in view for the amelioration of the condition of the people of Ireland failed;—if any, in passing, had been curtailed in their fair proportions of good—if any in their provisions, had fallen short of what the people had a right to demand, or in execution had not come up to what their authors themselves had anticipated; this curtailment of benefit, this inefficiency of operation, is to be ascribed to the efforts, repeated, indefatigable—to the obstructions openly avowed, and gloried in by the party with whom the right hon. Baronet (Sir R. Peel) was surrounded while he sat on this side of the House, and who still continue to support him, I am sorry to say, in the same spirit and with the same views on that. Such was your policy in opposition—what has it been since you have returned to power? You asked for a fair trial. Did you not get it? You asked for patience, and time. Was it refused? For weeks, for months, nay, for a whole year, the entire Catholic people of Ireland waited with crossed arms. There was no resistance, no agitation. They shewed no disposition to take undue advantage of their new position, but a willingness rather to give full opportunity for the development of any plan which the right hon. Gentleman and his colleagues

might have in contemplation, for the better government of their country, and the better carrying out of the principles of Emancipation. The Irish people hoped and believed that long absence from power would have taught the right hon. Baronet amongst other "sweet uses of adversity" a little more prudence, if not generosity; a somewhat juster sense of what was due to Ireland, than what he had evinced when he last held the Seals of Office. It was not, indeed, quite easy to forget the recent attacks on their creed and country, the attempted abridgement of their rights, the vindictive and unworthy manner in which the appointment of a few Catholic gentlemen to office was visited by various Members of the opposite party, for no other reason but because they were Catholics. I was in Germany at the time, and I well remember reading to my surprise, in the German papers, the measureless indignation which was poured out on the Government, for having dared, in "this Protestant country" to have selected me and other "Papists" (and yet the Emancipation Act was the law of the land) for offices of trust and honour under the Crown. To the Germans, it appeared altogether incomprehensible. I well remember their reflections on reading the account. "Is it possible," said they, "that all this can be true? Can it be, that this people, who set up as teachers in freedom and generosity to all mankind—who rush from north to south, and from east to west, lavish of their labours, and their treasures, to free the slave, to enlighten the ignorant, to preach philanthropy and civilisation to all nations, should thus in their own country, in their own government, use every means in their power to keep inferior those whom their own laws have declared to be equal, to perpetuate prejudices, which they of all other nations, on their own shewing, should have been the first to set aside. We have long since managed these matters better here: Protestant and Catholic have long continued to fill, without any jealousy or injury, the highest offices indiscriminately. We should be ashamed of such folly in the 19th century; these idle quarrels have long been put to rest." Nor, is this liberality confined to Germany. In France, the first Minister of the Crown is a Protestant, and a Protestant, against whom no Catholic will be found to rail. These things sunk deep into the Catholic mind of Ireland: and yet galled and insulted as they were, they were still willing once more, to give as I have said, a fair trial. They clung to every symptom which could give hope. They had heard of a liberal Secretary, of an impartial Lord Lieutenant. Well! they endeavoured to believe these reports true. They thought they saw in the declaration of the noble Lord (Lord Eliot) when returned for Cornwall, evidence of a determination to govern impartially. I thought so too: I looked on that speech as a manifesto of his party. I had a right to suppose that it contained the sentiments, not of the noble Lord only, but of those with whom he acted: of this, at least, I thought I might be quite secure, that the noble Lord would not pronounce so frankly his opinions, unless he were prepared as frankly to carry them out; nor remain an hour with Colleagues, with whom, on such grave matters, he could not thoroughly concur. I extended his views to the Lord Lieutenant: and in common with others of the Liberal party in Ireland, believed for a moment, that though we should not have the government of the Marquess of Normanby, or Lord Fortescue, we should have one which at least would remember that by the Act of Union, Ireland was intended to be incorporated with England, and by the Act of Emancipation, the Catholic was raised to an equality with the Protestant. I was still further encouraged in this presumption by the first intimations on the question of Education. That question, over and over again, I had heard denounced by many of their most zealous supporters—not in Exeter Hall, whose atmosphere is more congenial to such inconsiderate ebullitions, but in the calmer temperature of this House;—denounced not for details, but on principle;—denounced, as opposed to the indispensable obligations of Protestantism, contrary to the word of God, as well as to the interests of the State: denounced as a system which no Protestant, who believed in his religion, could countenance; as a system which any citizen would be justified in resisting with little less than rebellion whenever and wherever he could. That system, so contrary, as it had been termed, to conscience, I found not only was to be sustained by the present Government, but extended and enlarged: new grants were to be given, new schools were to be founded, and the whole placed on so permanent a basis, as to remove all apprehension of future change. Not a voice worth counting amongst the opposite party was raised against this declaration: those conscientious and determined men,

who were ready to set "their lives on a pin's fee," to resist it, who summoned the faithful, as one man, to separate from the uncleanly thing — "to your tents, Oh! Israel!" — sat behind the bench of the Minister, mourning, it might have been—but quite mute. Their Protestantism had received some new revelations, their consciences had, by some unknown opiate, been drugged to sleep. Such, however, was the fact, and after so direct a wheel round from former errors, it was not too much, I did think, to anticipate, that the abjuration would be carried farther, and by little and little, we should find them, unknown to themselves, unchided by their followers, converts from all their heresies, and tolerably sound liberals at last.—Favour, of course, we did not expect, but we were sanguine enough, I confess, to look for justice at their hands. These pleasing prepossessions, however, soon passed away. The spirit which had interfered to deprive us of the full efficiency of the Emancipation and Reform Acts—which stunted our Municipal Act of half its advantages—which on every occasion was ready to limit and shorten the franchises of the people, which even in conferring graces, had the perverse ingenuity to convert them into insults—which made measures otherwise healing, principles of new irritation; this mad, this pernicious spirit soon re-appeared. It first shewed itself in the dismissal of the Stipendiary Magistrates. You called it economy, but who could mistake it for your first sacrifice to your old North of Ireland allies? It was not the Treasury which had to do with it, but the Castle. It was inconvenient that the loyal Magistracy of the North, should, in the discharge of their hereditary functions, be under the inspection much less the control of strangers. But, where was your active impartiality all this while? The next proceeding of your Government was to place upon the Bench gentlemen, to whom I am in no-wise personally hostile, but who the Catholic people of Ireland could never forget, were marked by persevering resistance to their rights and by the open avowal of opinions in vehement hostility to those entertained by the entire of their body. These gentlemen were placed on the Bench to administer equal and indifferent justice between man and man—between man and man, in a heated and divided community—divided beyond all recent example; at a period of more than ordinary excitement—and though I am the last man to contend that high legal eminence has not a right to look to the legitimate recompense of former labours, still I must say, that a Government professing to rule Ireland by opinion, and not by force, had no choice between abandonment of the most flagrant of such professions, or seating on the Bench men whose opinions were in some degree in harmony with those of the vast majority of the population. But this step in one direction was perhaps balanced by another in the opposite. When the Orangeman was promoted, the Catholic probably was not forgotten. No such thing. From their accession—the first moment of their accession to power, I look in vain for the admission to any office of importance, of any one of the Catholic body; there does not occur a single Catholic promotion of note. You say, indeed, it is your misfortune, but not your fault. Misfortune indeed! but I should like to know of whose creating? How comes it, that the whole of Catholic Ireland is thus banded against you as one man? For this sole and simple reason, because you are banded against all Catholic Ireland. What renders Catholics averse to receiving office from your hands?—it is not so much your Toryism, as your Anti-Catholicism. Office was not offered; who would solicit it?—Abused, reviled, slandered in the morning by your press and your supporters—by supporters unheeded, unchecked, or for aught I know, approved of by you;—wounded in the most sensitive part of his nature, in his religious creed and conduct,—how could you expect, that he would be so forgiving, so spaniel-like, so crouching as to debase himself by asking to be your servant in the evening? But even this impartiality "*d'occasion*" soon wore off—another Session passed—the true metal began to appear. In the Arms Bill debate, enough was elicited to show the whole of your future policy for Ireland. Many grounds of complaint, many demands for legislative redress were brought under the notice of the Government. The Church Establishment, the Franchise, the Representation, the Education of the people, were again and again, pressed upon the notice of this House. You affected not to know our grievances—what could be more simple than the discussion on the motion (of the same nature with the present) of my hon. Friend the Member for Limerick, W. Smith O'Brien last year? You complained that we did not explicitly point out our demands. What could be more precise than the Remonstrance addressed by the liberal Irish Members to the English

people, at the close of last Session? Well! What answer did we receive? The only answer—at least the only clear answer vouchsafed us by the Government was this—our oaths were doubted, and we were told "concession had reacheded its utmost limits." We were told in a country where every thing is in progress, whose very constitution is one history of change—under laws, whose chief value—is their susceptibility of improvement—that we alone—we forming one-third of the population of that country—we of all others most requiring change—progress and improvement should not only stand still, but remain satisfied with our immobility! This was your impartial conduct in this House: what was it out of it? Magistrates were dismissed—dismissed for having attended meetings, which you either could not, or would not declare illegal,—dismissed without notice—dismissed on no intelligible, or unvarying rule, but by rules changing with the circumstances or feelings of the moment, and by their dismissal rendering the partizanship of those who were retained more violent and effectual. These were the proceedings for months of this Government of liberality—of a Government which gave itself out as intending to rule by opinion, which claimed the support of the Catholics of Ireland, not merely for benefits given, but for benefits to be received. We went home to our constituents with additional wrongs and renewed insults. The sincerity of our oaths questioned, all redress refused, an Arms Act instead of an Act of Grace in our hands; told to remain stationary, told to remain silent, told to bow, told to despair. The Emancipation Act was rendered futile in our regard; and beyond the Emancipation Act we were warned to look no farther. I am not surprised, Sir, that the people of Ireland at such announcement, galled by rejection, stung to the quick by contumely, should have gone to the lengths to which they did proceed, and spoken a language the too natural result of despair at the denial of all interference on the part of the British Legislature. If this House had, in time, entertained those questions, and shewn some sympathy in the wrongs and claims of the people of Ireland, this House would not, this evening, have been called upon to consider both, under the distressing and perilous circumstances under which the country is now placed. It is because this House, the natural and professed guardian of the people's rights, has shewn itself deaf and dead to their complaints, that the people have been compelled to look at last to themselves, and themselves alone, for redress. It is because you will not hear them, that they appeal elsewhere—you have no right to complain that they meet on the mountain's side, have you not shut these doors against them? And now, when this House and Government have left no alternative; when you have taught, forced, required from them agitation, you turn round, and with Bills of Indictments in your hands, and surrounded by cannon and bayonets, denounce, with hypocritical zeal for the laws, the agitators. "You are traitors," you exclaim, "Conspirators, a confederation against the peace and unity of the Empire; the question now is, not redress, but punishment." No Sir! not these men, not the men outside of the doors of this House, but those within it, not the people in their meetings, but those who govern the people, those who sit on the benches opposite, they I maintain it, are the true conspirators, the real criminals in this matter. I say this in reference, not to any one act of the Government, but to the *animus* of their entire Irish policy. The dismissal of magistrates was a natural accompaniment of their Arms Bill, the proclamation and prosecutions were the obvious following up of this dismissal. Meetings might have been dangerous, they might have been illegal, not for what they did, but what they might lead to; magistrates ought not perhaps to have attended them, such might have been the opinion of the Government, but I cannot see why such a proclamation as prevented the Clontarf meeting, might not have prevented others; and why the people should not have been cautioned before the magistrates had been punished. When they had got so far, why did they not stop there? After they had succeeded in preventing the meetings, why proceed to the prosecutions? I take the assertion of the Government at its fullest value; they state that their object was to vindicate the majesty, by inspiring a respect for the law But to inspire this respect, it was surely necessary to impress on the people a confidence in its justice, an unreserved conviction of a thorough impartiality in its administration. Have you effected this? The Trials are over; is this, I ask you, the effect they have produced even in this country, on the public mind? It might have been the misfortune of the Government, or it might have been its fault, but whichever it was, one thing at least is certain, that a

large number of names was omitted from the jury panel in the late prosecutions, and of this number not less than thirty-five were names of Roman Catholics. Some of these latter were persons of the highest respectability. I have received a letter from one of the gentlemen so excluded, a gentleman of the most unexceptionable character and conduct; he stated that he was no Repealer, had never been a member of the Repeal Association, or connected with any of its proceedings, but had almost exclusively confined himself for years past, aloof from all politics, to his own industrial pursuits. Previous to that list having been struck, a person, it appears, called on him with an address to Her Majesty, of the most violent tendency, and involving a concurrence with the views of the Repeal Association, to which he was invited to append his name. He refused the application, and has since discovered that the person in question was a Tory, and as he believes a Tory spy, employed to seduce persons similarly situated, into an unguarded expression of Repeal opinions. Whether these circumstances were the result of accident or intention, I will not pretend to say; I prejudge no man; but all must admit this, that a more unfortunate, a more untoward accident, if such it were, could not have occurred, at a period when the feeling of the country was naturally so excited, and when it was a matter of the greatest moment, that whatever verdict should be pronounced, should be beyond all doubt, as well as all impeachment; not only unquestionable, but unquestioned. The people of Ireland very generally believed, that these names had been omitted on purpose, in consequence of a regularly laid plot against their liberties, and this impression was further confirmed by the striking off from the special jury every Catholic without exception. Other grounds might now be stated—others were alleged, the moment the subject became a matter of general observation; but it is remarkable, that these causes of exception, subsequently urged with so much vehemence, were not even hinted at at the time. Indeed the presumption is, that even an inquiry had not been thought of at first, and that it was not until the public indignation had begun to express itself, that the charge of Repeal opinions, and Repeal connection, was put forth. This explanation or excuse came too late. The people of Ireland judged by the naked fact: ten Catholics (no one questioned this) had been struck off from the special jury list—the whole number be it observed on that list—they naturally supposed there could be no other motive for such sweeping clearance than the circumstance of their Catholicism; and concluded, putting together former conduct and expressions from the same quarter—that this objection to them and their religion, arose from a distrust entertained of their conscientious discharge of the duty about to be imposed on them, in administering the laws of their country. Can the House be surprised, that the Irish people—that every Catholic to a man, from the highest Peer to the lowest peasant, should feel indignant at such an imputation? Is there one amongst you, who, at such a charge against the faith or community to which you severally belong, would not rise at once, to repel even the suspicion of such a stain with indignation? But was this all? The Catholics felt indignant, that Catholics alone should be struck off. They asked and asked truly, were there not other bodies of men in Ireland who might be suspected of maintaining principles equally, if not more hostile to the peace and concord of the empire, than those which had been imputed to their body. I hold in my hand a manifesto published in 1838, by the Orange party, containing as it states, "an authoritative exposition of the objects, and a demonstration of the necessity of Orange institutions." This manifesto, after complaining of the insecurity of the persons and the property of Protestants in Ireland—after stating that they were in the progress of actual extirpation,—that they had no religious or constitutional rights which they could exercise with impunity, and that the Executive was groaning under the despotism of a ferocious majority, goes on to recommend all Orangemen to re-combine again, and unite in one body as an Orange Institution; "as such an institution," so they expressed it, "was eminently calculated to inspire its members with confidence and its enemies with respect, by constantly exhibiting to the public a display of moral force based on the organisation required to make physical force effective." I pray the House to attend to this last declaration; the imputations, the charges sought to be sustained against the Repeal Association and the late meetings, is here not a matter of disguise or doubt, but boldly, nay, insolently proclaimed, as the chief ground for the resumption and renewal of this avowedly Anti-catholic Association. I may be

told, that the Repeal Association lives, but that the Orange Association is dead—or at least formally suppressed—in accord with a Resolution of this House, and a Message from the Crown; but my answer is, the *animus* still survives—the prejudices and animosities, which first gave it birth, still unhappily endure. No inquiry was instituted, whether of these jurors, any belonged either formally or virtually to this Anti-Catholic Society—and yet here was a jury which was to sit in judgment on traversers almost exclusively Catholic—and the counsel for the Crown dares still to boast of their impartiality! Such a prosecution was too one-sided in its management to inspire confidence in the community, for which it is said to have been intended. Are we to form a more sanguine opinion as to its results? Did this House believe, did the country believe, that because Mr. O'Connell and his fellow-traversers were convicted by the verdict of such a jury—there were no others ready—nay anxious, in full reliance on public opinion, to step into their places? I tell them distinctly, that so far from having completed, the Government has hardly yet commenced its task. To-morrow they may have to combat Associations, other than the Repeal Association, which in their exultation, they fondly imagine they have extinguished to-day. Mr. O'Connell may be imprisoned, they may think that with his imprisonment the trial and all its objects are fully answered—but have they reflected, that this very trial will necessitate a whole series of others; and if they be not determined to go to the utmost limit of the Law and the Constitution, they will find that their gains have indeed been small, their triumphs virtually defeats; instead of water, they have thrown oil on the flame; and far from having recovered, they have still farther estranged the affections of the Irish people? I can tell the right hon. Baronet (Sir Robert Peel) that if he trusts solely to the letter of the law, there are a thousand means by which the Irish people can elude it. They, no doubt, strongly rely on the Association, but not on the Association only: if it were struck down to-morrow, there are other means behind in reserve, for carrying out, for encreasing agitation. They have their county meetings, town meetings; parish meetings, chapel meetings, does the Minister mean to put them all down: or if not, how many of them? Where will he stop? What is the precise number at which such assemblies cease to be dangerous? Where is the scale to regulate the crime or peril of the conspiracy, the tariff to measure their legality? If it were numbers which had alarmed the Government, these numbers are increasing; if it were violence of language and feeling which had given rise to these apprehensions, it was not diminishing. If it were outbreak which was feared, no precaution could prevent it, but if the people really willed it: no precaution was necessary, no such occurrence would take place, for there was organization. The worst result of the policy of the Government, one which I much fear will endure long after other evils shall be healed; the real, though permanent evil of their policy is, the habit which it has given the people to look without the Constitution for a remedy for their grievances, instead of within it. This habit was first produced by the delay which took place in granting concessions which had really become necessary. The delay in granting the Reform Act laid in this country the foundation of the Anti-Corn Law Agitation; the delay in granting the Emancipation Act laid in Ireland the foundation of the Repeal Agitation. By these habits, you ensure a continuation of disturbance. No country, I maintain, can go on with two Constitutions: one the Constitution of the Statute Book, the other of Public opinion. You brought matters to the verge of civil war by inconsiderate rejection: you avoided it by abrupt concession. Are you prepared to run again the evil chances of a similar course? You will not grant, how then do you mean to prevent, Repeal? What are the means you are now taking to appease the agitation which aims at it? You are employing against it measures which you did not, which you would not, use against the agitation for Emancipation and Reform, for well you knew that such measures would be idle and useless, that such weapons would break in a thousand fragments in your hands. I can tell you, that the weapons you now use are not one jot stronger, not one jot more effectual. Strike strongly if you strike justly, but not otherwise. You do neither. The Repeal agitation is not to be put down by a prosecution; it may be by justice; not by your policy, but by the adoption of a course the most opposite you can find to that which you lately have pursued. Nothing is more insufficient, nothing more dangerous than such a policy. It is half justice. Half justice is a most dangerous thing. It gives the people, in whose regard it is adopted,

the means of getting more and the desire of getting more: with both operating desire and means, the object cannot be difficult in the long run of attainment. Better, indeed, to give no justice at all than half justice; but there is something better than either—full justice to all men. What did the policy pursued by the late Government accomplish for Ireland. It diminished the amount and nature of crime, in some degree, established a confidence between landlord and tenant, and commenced, for the first time in Ireland, impressing on the people a conviction of impartiality in the administration of justice. From an increase of tranquillity naturally followed an increase of the security of property, and with the security of property, the value of property as its natural concomitant. Ireland, under a really fair and impartial government would speedily have increased her resources, and with the increase of her resources given her people a new interest in the pursuit of all the industrious arts. What is her condition at present? I am informed that at an intended sale of Irish property some weeks ago, the price offered was so low, not amounting to more than fifteen or sixteen years purchase, that an application was made to the Lord Chancellor, to allow the sale to stand over for the present. Yet this was not till lately the case. On turning to the evidence given before the Lords' Committee on the State of Crime in Ireland, generally known as Lord Roden's Committee, hon. Members will see the most striking proofs of gradual augmentation of value in landed securities, especially during the last ten years. Several witnesses of extensive experience and unquestionable respectability were examined, amongst them Mr. Simpson, the well known auctioneer, who has disposed of property in Ireland, to the extent of 800,000*l.* and upwards, Messrs. Guiness & Co., Messrs. Mahoney, Mr. Tandy, &c., they all speak in the same sense, and shew from a large reference to facts, that Irish property had been steadily advancing from sixteen to twenty and from twenty to thirty years purchase, in the more favoured counties, and there was every indication of a still farther increase gradually placing it on a par with English and Scotch investments, had not this salutary tendency been checked by recent political events. Some of the witnesses went still farther, and showed that this increase was in precise proportion to the more or less increase of tranquillity. The most marked contrasts were observable; so much so that a graduated scale of prices might almost be made out, from the state of the calender of offences, and the amount of political agitation in each district. But now comes the material question. Admitting all these results, admitting them to be the effects of the causes just stated, how are these causes to be got rid of, by what means are we to extinguish principles productive of so much discord, misery, and insecurity? I see no means to effect this, but the removal of the causes which have led to these effects, and not of one, but of all, and not slowly but at once, and not partially but thoroughly, dealing not with surface exhibitions of disease, but going at once to the constitution of the patient—in a word re-constituting Ireland on a completely new basis, governing her henceforth in every particular, as a second, a sister England. Redress her grievances, supply her wants, grant her demands—her grievances are real, her wants are real—and who can deny, who admits either of these positions, the justice of her demands? But I am asked, what are they? I am called on to point out not only what we suffer, but what we ask. Some of the more pressing of our demands can be easily stated. They refer to the Franchise, to the Representation, to the relations of Landlord and Tenant, to Education, to the state and claims of the two Churches; these are the great moral questions, now attracting the most attention in Ireland, with which are more or less connected many other social ones, such as railroads, cultivation of waste lands, emigration, Poor-laws, charities, and every other, which have for object or result the useful and permanent employment of the people, but these I must postpone to some future debate, not from undervaluing their importance, but from a conviction that it is almost idle to look for their successful promotion, until the great political measures to which I have just referred to are first settled. And first of the Franchise. The Government has announced in general terms, its intention to place before the House, at an early period of the Session a Registration Bill. I asked the right hon. Secretary for the Home Department (Sir James Graham), whether it is to contain provisions upon which I conceive its character will mainly depend, the right of tenants at will, under certain limitations, to obtain the Franchise;—in the refusal of the right hon. Secretary to grant any information, I am of course precluded from

going into any discussion of its merits or defects. Thus far, however, I must be permitted to say, that it is idle to think of alteration at all unless with the object of really benefitting and satisfying, not a party, but the great body of the Irish people. This, I am convinced, cannot, and ought not to be expected unless the Franchise be made both more extensive and more certain. Our diminished and diminishing constituencies speak trumpet-tongued for the first; for the second, we have the experience of ten years to prove, that certainty is utterly impossible without a clearer and simpler definition, or a withdrawal altogether of the "beneficial interest" condition. A Registration Act, which aims at some higher purpose than a mere party measure, ought to look beyond the present. Its ultimate tendency, even more than its actual applicability should be kept in view. We demand an addition to our Representation. The proportions, as this House is now constituted, between the different countries are not fair. We did not think them so at the passing of the Reform Act, we do not think them so now. England was favoured more than Scotland—Scotland was favoured more than Ireland. We were overruled—but that is no reason why we should surrender our right, or not renew on every fitting occasion our claim. I do not call for an addition to the Members of this House, they are perhaps too numerous, but I call for an alteration of the proportions. The House may object to an immediate re-opening of the Reform Bill, but as from time to time circumstances may arise which may make it expedient to disfranchise English boroughs, many of which have given too flagrant proofs that they ought never to have been allowed to retain the privilege, why not transfer their representatives to Ireland? In a word, are you prepared to continue the enormous disproportion now existing between some of our largest counties, Cork and Tipperary for instance, and some of your smallest districts, and at the same time pretend to say that we are treated, I will not say with kindness, but with common matter of fact justice. Such a state of things I fairly tell the House will not be patiently acquiesced in, and it is for it to say, at what period and under what circumstances, it can be most advantageously altered. The relations between Landlord and Tenant, are in some degree at present under the consideration of the Government. A Commission is engaged in enquiring into the subject. I have no doubt it will act with proper impartiality: in any case the Commissioners have a right to a fair trial: it would be unjust as well as unwise to throw additional difficulties in their way by premature censure or prophetic warnings of failure. At the same time, I regret that its composition should have subjected it in Ireland to the imputation of being a one-sided or landlords' Commission. The admixture of some organ or representative of the exclusively tenant interest would have been advisable. Its task is as arduous as it is important. The present condition of the Irish peasantry arises from a complication of causes. They have been now for some years in a transition state, and affected by almost all the usual evils of such a state—the middleman is passing into the condition of the simple tenant, the farmer into that of the labourer, the cottier and labourer expelled too often in masses from the counties to the towns. To this, must be added the difficulty of forming any intermediate proprietary class, between the great landlord and the small tenant. The existing number of small fee simple proprietors is exceedingly limited, I believe more so than in almost any other country of Europe not absolutely in a state of despotism and serfship. The result is obvious, there can be in such a state of things no yeomanry, no landed middle class. Greater facilities I think might without injury be given to the further transfer of land in small allotments, so as to place the acquisition of these estates within the reach of the humblest, who should have sufficient industry and perseverance to accumulate. This would not only gradually create a most important link between rich and poor, so necessary but so much wanting in Ireland, but act also, in a country where land is so much an object of competition, as a most powerful stimulant to industry and foresight. The expenditure of the tenant, when well directed, no one can doubt, is a benefit conferred, not only on his landlord, but on the country, and deserves every fair protection and encouragement; but this does not imply, that every expenditure which the tenant takes it into his head to make, is necessarily to be included under such a category. Some control is necessary—some guidance—the approbation of the landlord, as the chief interested party, should be obtained. But the evils of the present system are not confined to the tenant; the whole of the

relations between landlord and tenant require revision. The landlord is often too rash and too grasping in the selection of his tenants. He should be prevented, as far as statutes can prevent, from injuring both himself and them. A law, depriving him of all right to recovery of rent due beyond one year, would make him much more circumspect in his choice, more attentive to character and solvency than to promises, and would go far to protect the tenant from those exorbitant rents and consequent arrears, which so often are allowed, with a false appearance of humanity, to accumulate and hang over the tenant for no other purpose than to render him the slave of the landlord. But this, or indeed any other enactment, will be of little avail unless accompanied by an improvement in the character of the people, and this improvement I hold to be impossible, unless based on good government, both in administration and legislation on the part of their rulers, and on the part of the people on a sound and generally extended system of education. Much has indeed been done in this respect, but not one third of what ought to have been done. Considerable progress has certainly been made in providing for the education of the lower classes, but the middle classes have been altogether neglected, and the higher have not yet had all the advantages which they have a right to expect. I have more than once in this House ventured to propose measures which I thought would adequately meet both deficiencies, and shall yet, I trust, have opportunities of again urging them on the consideration of Parliament. For the present, I shall confine myself to the improvements which I think might be made in the higher departments. There are two State Establishments of the kind in Ireland, the University of Dublin, and the College of Maynooth. Both are susceptible of great and advantageous changes; the College of Maynooth should be enlarged and elevated not merely by extending its buildings, and augmenting its endowments, but by raising and extending the character of its education, so as to render it, in every particular, worthy of the important object for which it was designed. A reform and enlargement of the system of the University, though in a somewhat different sense, is not less necessary. Let it be remembered, that there is in Ireland a population of not less than 8,000,000, and that of these 8,000,000 7,000,000 are Catholics, and only 1,000,000 Protestants—for these 8,000,000 there is but one University, and that University is Protestant; for although Catholics are admissible to its studies and degrees, they are still excluded from its dignities and emoluments. Under such circumstances, I am clearly of opinion, that we ought to give the Irish people a Catholic University of equal rank and importance with the existing Protestant one, or render this latter really Irish and national, by admitting Catholics as well as Protestants to its other advantages, as well as to its studies and honours. The last question I shall touch on is the Church; but before I enter on the subject itself, I trust I may be pardoned some preliminary observations which circumstances reluctantly force from me. I feel—as every Catholic must feel—pained and indignant at finding, that whatever may be my conduct or convictions, I am at at all times exposed to the imputation, from gentlemen differing from me religiously and politically, of not having a sufficiently delicate perception of the obligations which I undertook in entering this House. The oath I then took, is from time to time paraded, by certain individuals, impressed, certainly, with a due notion of the importance of their own religious views, but with very little consideration for the religion and consciences of others, as a bar to preclude interference in any question having a religious aspect, which may be brought under discussion in this House. I shall not demean myself by entering into, or refuting assertions so rashly ventured, touching the manner in which I or other Roman Catholics have observed obligations so solemnly entered into, before God and man. I need not such defence, neither I nor other Roman Catholics. I recollect that my ancestors perilled their lives, sacrificed their rank, and were deprived of a large portion of their property and of all their rights, for their adherence to their religion and the convictions of their conscience. I trust that I am not in this respect their unworthy descendant. I trust that I remember what they suffered, and for what. They might have entered the House of Commons, and some of them the House of Lords. What kept them out? An Oath. It is not at this hour I or my Catholic fellow Members are likely to depart from such an example. In the midst of wrongs, of calumnies, of insults, they abided by their faith: they were proud to have chosen that nobler part—and had a right to be proud; they left at least that inheritance, conscientious fidelity to our obligations,—it is not now it shall be taken from

us. An oath is to be regarded in two senses, in the sense of him who imposes it, and in the sense of him who takes it. Now before we enter into serious debate on the Irish Church, I must say that I think it right we should have, if for no other purpose than to preclude these painful discussions, a distinct and unimpeachable definition of what the Catholic Oath is meant to be. The right hon. Baronet opposite (Sir R. Peel) was, I believe, the person who drew up that Oath, or at least who adopted and introduced it into this House. I therefore ask him here, in their presence, in what sense he meant to impose it on the Roman Catholic Members, what was the precise meaning which he attached to its words?—Did he mean, that in all matters affecting the Church of Ireland, Roman Catholics were to be precluded from taking any other view of its interests than those entertained by the right hon. Baronet, or were they to be allowed to prefer those of the noble Lord, which are the very opposite, though both Protestant, both orthodox, to those of the right hon. Baronet—or did he go so far as to require that they should altogether abstain from all discussion or voting on such subjects.—Does this Oath mean to pledge us to one side only, as the only true and legitimate supporters, and forbid all concurrence with their opponents, as the unquestionable subverters of the Establishment, or in order to avoid all difficulties, does it enjoin total abstinence and prohibit any interference one way or the other, in all such thorny discussions.—I wish to know from the right hon. Baronet what is his signification? I have mine. I ask him, for the "*animus imponentis;*"—the "*animus capientis*" I am fully qualified to answer myself.—I took that Oath, in its obvious sense; and do not see how I am debarred by its strictest interpretation, without gross inconsistency and injustice, from taking my share, as a legislator, by discussion or vote, in all I judge to be necessary for the complete reform of whatever abuses I believe to exist in the Ecclesiastical Establishments of the country. Can I be supposed to have juster views, or stronger attachments to the Protestant Church, than many of the excellent Protestants I see around me? Why should I consider them subverters of this Church to which they are so devoted, in which they believe? If you are of a contrary opinion, why do you not first attack them, not for violation of their oaths, but for the foulest hypocrisy, the most flagrant desertion of all religious principle whatever?—If you will not call them enemies to Protestantism, why should you call us? What do we do, more than they? For my part, I think them its truest friends. I act in reference to your Church, as in similar circumstances, I should act in reference to my own.—An Establishment, is framed for the use of the Church, and a Church for the advantage of Religion. It is only, in as much as it tends to diffuse and maintain religion amongst the people, that it can be considered of advantage—that it fulfills its purpose. If therefore, I think that religion will not be destroyed, by reducing the emoluments of the Clergy—if on the contrary, I am convinced, that it will be extended and augmented; that by thus diminishing unnecessary luxury, greater activity will be imparted, and its lessons be brought more within the sphere of those classes to whom its ministrations are more peculiarly useful and applicable,—am I not justified in supporting any proposal of the noble Lord near me, for the attainment of such object, and why should I be reminded of the breach of an Oath, with the strictest observance of which, a constitution totally different from the present of the Church Establishment is perfectly compatible? I have so far argued the question in reference to the Representation, but there are other parties still more interested, the Represented. The constituencies, no one doubts, have the fullest right to make their opinions known and felt in this House, for or against the Church Establishment.—Some may be Catholics, others Protestants, others opposed to both, some for, others may be against State Churches;—If Roman Catholic representatives be debarred from legislating on such subjects, it is not the representatives so much you deprive of a privilege, as those large and mixed constituencies, Catholic and non Catholic, who sent them here. Had they chosen a Protestant you could not prevent him from voting for the absolute and entire destruction of the Establishment. Will not such constituencies have a right, under such circumstances to turn round and say, "Our opinions and feelings are opposed to the present state of the Church Establishment,—we think it ought to be reduced—we are determined that our opinions shall be known; as those of our own creed are restricted in their powers of opposition, we must choose a Protestant who coincides with us, who lies under no such limitations, and will give expression and effect to our opinions and will." Here is a preference, here is a disqualification at

once established. If constituencies were compelled so to consider the subject, we Catholics would be but half emancipated. I agree with the noble Lord that the Church question is one of the greatest difficulty, but one also of the greatest urgency; it is of the most serious magnitude, and yet one on which we shall soon be compelled to decide. It is not a question whether this clergy or that shall have the revenues, but whether both their flocks shall have the instruction, and advance in the virtues and happiness for the promotion of which all clergies of all communions are designed. It is whether 7,000,000—nay, a whole nation, Protestant as well as Catholic, shall be kept in constant turmoil, to gratify the passions or prejudices—the bigotry or illusions of a few. That the Catholics will not accept a salary for their clergy is beyond question or doubt. You have only to look at what has recently occurred at their annual Synod in Dublin, to see that the Hierarchy has distinctly pronounced against the acceptance of any money. Similar objections, I understand, have been felt, to the acceptance even of glebes. The proposition of the noble Lord, the Member for Tiverton (Viscount Palmerston) to relax the law, now impeding private endowments, is no doubt an improvement—a benefit as far as it goes—but it is not absolutely requisite, and as a conciliatory measure insufficient. Money can be left in the hands of Trustees for the benefit of the clergy, just as it is now done with respect to endowments for charitable purposes. I can speak from personal experience: one of my own family endowed an almshouse for resident poor men and women; the endowment is vested in trustees, the administrator is the Catholic bishop. There can be no difficulty, then, apart from such a relaxation, even at present, on the part of individuals, in settling lands, in the nature of glebes, for the benefit of the parish clergy, though such a relaxation would, of course, afford greater facilities, and additional protection. This is quite feasible, but to expect the Catholic people to accept anything in the shape of endowment, much less salary, which would necessarily connect their clergy with the State, is quite another question. Nor is this singular; their reasoning is obvious; their clergy were first the objects of persecution by the law, next of distrust and contempt by the State, and then of invective and slander, by those supposed to be the advisers and confidential supporters of the Government, and the organs or at least expression of the opinions of a large majority of the people of this country. It is natural, it is human, and not merely Irish nature, that they should feel the resentment and indignation of men—men, be it remembered, of flesh and blood like yourselves—at such unmerited, such unjustifiable treatment. They stand necessarily leagued—the result of your own bad laws and worse administration—with those who are in hostile movement against your Government. What consolation would money be to them, if they lost what the Catholic priest values above everything, the religious influence which the faithful pastor ought to possess over those around him? He will, therefore, refuse your offer of a stipend, and continue in opposition to your Government; and if ever he becomes an adherent of the State, he will be an adherent, not bought by money, but by conciliating; by the gradual progress of affection and attachment. That the clergy are not necessarily hostile to the State is shown by their conduct during the government of Lord Normanby, who felt some sympathy for the Clergy and the people. That Clergy cannot but feel that they are the Clergy of 7,000,000 of people, and that those of the Protestant Church are the Clergy but of 1,000,000. It is all well to say that the Protestant Clergy in Ireland are the Clergy of the United Church of England and Ireland. But use what forms you please, you cannot cheat men's senses. The Protestant and Catholic Churches in Ireland bear the proportion to the population which I have mentioned. Let the Protestant Church have such advantages as are consistent with this position: let its ministers have their fair emolument for the inculcation of their faith. No one is more desirous than I am, that every one belonging to that Church should be fully instructed in every point of their religion; but I must vindicate for the Catholic people a similar right to be instructed by theirs. Their Clergy is in every way worthy of respect, and should be placed beyond the reach of contumely and abuse. I quite agree with the noble Lord that it matters little from what rank the Clergy are taken. For some situations (and every Church, but especially the Catholic have many) I should prefer their being taken from a lower rank. They have duties to perform, which must be repugnant to men bred in the lap of comfort and affluence. They have to traverse wild tracts of country at every hour and in all seasons, they are ever in the midst of contagion and death, and this not as a matter of choice, and on the

impulse of enthusiasm, but in the bounden ministration of those offices which they have solemnly engaged themselves to perform. There is a deep sympathy between the Clergy and their flocks. They remember the times when their forefathers were expelled from their native soil, when a price was set on the priest's head, and a reward held out to him for the abandonment of his religion; and now, when that day is passed, and persecution is over, it is not wonderful that a sensitive people should feel the liveliest gratitude to men so sorely tried, and so faithful through every trial. I am not for the ascendancy of any religion, and least of all of the Roman Catholic. Seeing that we live under a free government, and not a despotism—looking to the checks of public opinion and the control of this House —I wonder how such an apprehension can be entertained, and particularly with the disposition existing amongst the Roman Catholics themselves. I have no ambition to raise the temporal splendor of my own Church, at the expense of the Protestant, but I wish to see the two Churches engaged in the task of doing mutual good —of forgiving and forgetting, and earnest only in a rivalry of the practice of every Christian virtue. When this is effected and other measures of redress are passed; when you have given up prosecutions and forsaken bayonets, then for the first time, the Irish people will give you more than lip service—you will have the devotion of their hearts. Is it not a disgrace to you, in the eyes of the whole of Europe, that Ireland should be in her present state? It is a just retribution, that states must submit to as well as individuals; they cannot do wrong without drawing it also on themselves. Danger after danger have you had to encounter —revolt after revolt to put down. Such are the fruits of the harvest you have sown. There is Ireland standing by you in the midst of her poverty, oppressed and discontented, but still strong; there is she ever at your side in the midst of your most luxurious banquets, and your greatest prosperity, like the Roman slave in the midst of the triumph, reminding the conqueror of his mortality. England has just claims to stand in the front rank of civilization and humanity; but she wants one thing— —which having, she has every thing, which wanting, she wants everything— "domestic peace." She may obtain that essential ingredient to her true and permanent glory; but it is not through violence, nor through dread, nor through menace, but through the talismanic rule —simple, but strong—of "doing to others as she would be done by." This is the inflexible law of human nature. It was not made for Ireland or England—it governs not the past only, but the time to come. To this must the pride of England succumb at last. Before you make it a matter of peace and war, while there is still a neutral party to take advantage of, act justly, act wisely, act worthily of yourselves and us; abjure your errors, as you did in 1829, and set the glorious example of doing right a second time, against your prejudices, and in the teeth of your opinions, cherished it may be, but which for all our interests have lasted too long.

Sir *James Graham*: I by no means complain, Sir, of the length of time consumed by the speeches which commenced our proceedings this evening. The magnitude of the subjects brought under discussion, the importance of the crisis at which we are called on to come to a decision, fully justify the length at which the noble Lord and right hon. Gentleman have addressed us. At the same time the House, I am sure, will feel with me, that the task I have undertaken in following the noble Lord and right hon. Gentleman, difficult as it must be at all times, will be rendered still more difficult by the length of the opening speeches, and the period of the evening at which I am called on to answer them. But as you have heard the accusation against the Government with great patience, I am quite sure you will extend to me the same indulgence, and listen with equal patience, while I attempt to defend it. I can assure you, that I shall not unnecessarily trespass on the time of the House; but the position I occupy will remind the House that I am required to make a statement of the case on the part of the Government. I must express something like a personal feeling at the commencement of what I am about to address to you. I cannot help lamenting that on this fatal Irish field I first parted from the noble Lord (Lord John Russell); that on this field we have often met in hostile array; and that on this field we shall never meet again, except as opponents. I state this with regret; but what has fallen to-night from the noble Lord convinces me that we never can agree in our views as to Irish affairs. But although I must express a wide difference of opinion generally with the noble Lord on this subject, yet there are two points, to

which I may allude, on which I cordially agree with him. In the first place, I will advert to a topic, though it trenches on the rules of our debates; referring to which, the noble Lord, speaking from experience of the office I now hold, stated that no Sovereign ever reigned over these realms who was more desirous than Her present Majesty of promoting the happiness and contentment of all classes of Her subjects, without distinction of creed or nation. I have the greatest satisfaction in bearing my humble testimony to the same fact. In all the instructions I have received from Her Majesty, I find proofs that the statement of the noble Lord is correct, and in no degree exaggerated. I hope I shall be excused for thus going beyond the strict limit of debate, and following the example of the noble Lord, considering that on such an occasion the course may be justified. There is one other point on which I cannot disagree with the noble Lord. I allude to the glowing eulogium which he pronounced on the memory of Mr. Fox. The noble Lord read several passages from a speech of that great and distinguished man, in one of which the principle was laid down, that a military Government was not suited to Ireland. I agree in that sentiment. I agree fully in that sentiment. And are these empty words? What has been the conduct of the Government which I am called on to defend? Am I arguing in favour of a Coercion Bill? Am I vindicating the trial of political offences by court-martial? Is this the character of the proceedings which we are called on this night to defend? Far from it. It is not military law—it is not military executions that we have to vindicate. It is the honest attempt in times of great difficulty, to govern Ireland by means of the established law, by her ordinary tribunals, and by trial by jury. We are not seeking any unaccustomed or new powers, it is not a departure from the law of the land in any particular that we have to defend, but it is in defence of the law itself, which I am happy to say has been triumphant, that I stand forward to-night to vindicate the Government. Now, Sir, what said the right hon. Member for Waterford? I am most desirous to imitate the temper and tone of the right hon. Gentleman, who, dealing with the most exciting topics, with those well calculated to inflame the feelings and passions, treated them in a manner the most unobjectionable. But the House will remember that the right hon. Gentleman charged Her Majesty's Government with being the "real criminals;" I am not disposed to evade that accusation, and I again appeal to the House whether, when we are so charged as criminals, you are not disposed to hear our defence. In following the noble Lord (Lord John Russell) I wish that I had had an opportunity of immediately addressing the House when the noble Lord sat down, because I might have handled the subjects on which he dwelt with more satisfaction when they were more fresh in my recollection. The noble Lord, I am sure quite unintentionally, mingled the questions of past conduct and future policy, with regard to Ireland, so as to render his accusations somewhat indistinct and confused. I, in following the noble Lord and right hon. Gentleman on the great and extensive subjects which they have handled, am persuaded that it will facilitate the discussion to divide it into two branches: first, the recent conduct of the Government; and, next, the general policy to be hereafter adopted. If time admitted, I should like to go back to the early period to which the noble Lord adverts; but it is my duty more particularly to confine myself to the recent official acts of the Government. I must, in passing, observe that I was somewhat surprised at the facility and readiness with which the noble Lord passed over the Government of Ireland under Lords Wellesley and Anglesey. The noble Lord must remember, that in all the acts of those noblemen, he shared the responsibility. He adopted their policy, and cannot now repudiate what he then approved. I have said, that on Irish affairs I parted from the noble Lord; but let us see how far we went together. The noble Lord said, that the Union yielded no fruits. I say, that while I had the honour of being a colleague of the noble Lord, great and important measures were passed, yielding to Ireland great and important advantages, and communicated in the spirit of a free and liberal Government. When Lord Grey came into power, the Emancipation Act had passed. I shall shortly run over the measures of Lords Anglesey and Wellesley, which the noble Lord has treated so lightly, but which I considered at the time of vital importance, and which I still think worthy of grateful remembrance. I must observe here, that from the time I left the Government the interval was very short—very short indeed—before the respected head of the Government also left it; and I cannot advert to such a subject without saying, that however glowing the eulogium

the noble Lord pronounced on Mr. Fox, Lord Grey is as worthy of the noble Lord's panegyric, and deserves in no less a degree the respect of the noble Lord. To omit all notice of the fact that Lord Grey passed many measures in a liberal spirit for Ireland, seems to me extraordinary, when it is remembered that the noble Lord was his colleague; and when we call to mind the sacrifice of office which Lord Grey submitted to for the sake of his principles, it is not too much to say that he would not have remained in office, not three or four years, but three or four months, unless he could have given effect to that policy on which his heart was always set. And how did he illustrate his good faith after taking office? He carried three great and important measures. He enlarged the Franchise in Ireland, he established a system of National Education, he passed the Church Temporalities Bill, a bill, as I think, strengthening the Protestant Church, by extending its basis, and by diminishing the weight of its superstructure. But is this all? Not content with the mere communication of civil privileges, the noble Earl agreeing in the policy for which the noble Lord, the Member for London, has this night contended, demanded for the Roman Catholics a full participation of office and power, and his government of Ireland was marked by justice and strict impartiality. I shall now advert to the first point on which the noble Lord dwelt at some length—the recent administration of affairs. I think the noble Lord said, that when the present Administration came into power the country was in a state of tranquillity, the Repeal agitation comparatively still and insignificant, and that anything formidable on that question dates from the accession of the present Administration. Now, Sir, perhaps I may be excused for very shortly reading to the House an account of the various Repeal meetings which were held in Ireland in the year 1840. I take the enumeration from the *Pilot* newspaper, generally understood to be the organ of the Repeal Association. So early as July, 1840, a series of repeal meetings commenced. [*A Member*: How many persons attended them?] I shall give not only the names of the places, but of the number who attended them. On the 26th of July, 1840, there was a Repeal meeting, at which the Roman Catholic clergy were present. On August 6, a meeting of 200 clergy and gentry; on August 13, a meeting of 10,000 persons at Tuam; on September 1, a meeting of 30,000 at Navan; on the 12th, one at Skibbereen; on the 20th, at Macroom; in October, one at Limerick; one at Kilkenny of 200,000; at Drogheda, a meeting of 16,000; at Waterford, on the 28th of October, of 60,000; in November one of 6,000, besides several smaller meetings. Early in 1841, there was a meeting at Mullingar, of 60,000; at Belfast, of 1,300; on the Curragh of Kildare of 20,000; and at Drogheda, just previous to the Melbourne administration going out of office, a meeting of 25,000. Now, I have here what I was prepared to read, the several speeches which Mr. O'Connell addressed to those meetings. On reflection the consideration of the present position of the hon. and learned Gentleman, especially as he is not in the House, forbids my reading any one of those speeches, because I do say that if I read them the House would agree with me, that at no peried ever since the accession of the present Government did that hon. and learned Gentleman express himself with greater heat and vehemence than in some of the speeches which I have before me. I will next observe that the noble Lord, in dealing with a most important branch of the subject, the administration of justice, touched on the constitution of common and special juries. I will first touch on the common jury. The noble Lord in strong terms eulogised the rule laid down by Chief Baron Brady. [Lord *J. Russell*: No, by Sir M. O'Loghlen.] Well, by whomever laid down we found it in operation, and did not alter or vary it in the slightest degree. To say absolutely that the Crown should not order persons to stand by, would amount to a denial of justice. Nothing has been more striking in the course of the present Session than the general approbation (I partake in the feeling, and I rejoice to see it pervades the House) bestowed on my hon. and learned Friend the Attorney-general, no less for his temper than for his ability. I am sure, however, my hon. and learned Friend will be the first to avow, that in the honest discharge of his duty he has found it necessary to set aside jurors to no inconsiderable extent. I cite the case of the recent trials at Cardiff, and, if I am not mistaken, at a trial where the right of the prisoners to challenge was allowed, and when all the jurors were set aside on the part of the Attorney-general, the entire panel consisted of only nine jurors, thirty or forty having been ordered to stand by on the part of the Crown. Therefore, the House will see

that, with respect to trials of this description, even where the administration of justice is not tainted with suspicion, this power must exist—to be exercised, I admit, with caution and forbearance, subject always to responsibility; but it is a power which, unless the ends of justice are to be defeated, and trial by jury brought into disrepute, must exist. The noble Lord, who is generally very accurate, fell, as it appeared to me, into some misapprehension on this matter, and did not perceive the difference between ordering common jurors to stand by, and striking from the list of special jurors. Now, I am not aware that the rule in Ireland, with regard to ordering jurors to stand by, is the rule of Sir Michael O'Loghlen, but I am sure that the statute which regulates the striking of special juries is an act of Parliament which was brought into the House by Sir Michael O'Loghlen. Therefore the law in Ireland with regard to the striking of special juries, is a law which the noble Lord cannot impeach. It was brought in under his administration by a very eminent lawyer, who was deeply attached to liberal opinions. I think I heard the hon. Member for Taunton say, that the striking of special juries was a matter of discretion; but so far from being a matter of discretion, it is tied up by the strictest enactment. The special jury in the case in question was taken from a list of 716 special jurors. Although it interrupts that part of the case with which I am now dealing, I will, in passing, observe, that from that list of 716, certain names were omitted. The noble Lord has stated that 60 names were omitted, and he relies upon a statement made in the Court of Queen's Bench in Ireland. I am told, and I believe it, that that statement is a great exaggeration, that nothing like 60 names were omitted—I believe not half that number. But be that matter as it may, it has never been contended out of this House, nor as yet has it been contended within it, that Her Majesty's Government is responsible for that omission. The right hon. Gentleman, the Recorder of Dublin is present. In the course of the debate, I have no doubt he will give a more detailed explanation of what occurred than I can possibly do; but, as I have stated, it is a great exaggeration to say, that 60 names were omitted. I deeply regret the omission, and am sorry to feel, with the noble Lord, that some prejudice has been created by it to the administration f justice. The statement, however, was an exaggeration, and the House will see if the number be only 30, as I believe it to be, or somewhat less, it is hardly possible, considering that that 30 was composed partly of Roman Catholics and partly of Protestants, that in a list of 716, from which 48 names are to be drawn by ballot, any great and important change could be effected in the result, by the omission of a number so small in proportion to the whole. But now, Sir, I proceed to the striking of the jury. The House will observe, under the act of Parliament it is prescribed that the parties shall strike alternately. In passing, I will observe what was remarkable—the officer of the Crown, it is said, struck Roman Catholics, the striking being alternate, it is worthy of observation, the traversers struck off no Roman Catholics, but Protestants exclusively. But the case as first presented to the public was this—that ten Roman Catholics had been struck off by the Crown, not because they were Repealers, but because they were Roman Catholics; and with regret greater than I can describe to the House, I have seen that a body the most respectable among my fellow-subjects, I mean the English Roman Catholics, have resented this striking off Catholics from an Irish jury as an insult offered to themselves, and have given to that which was a matter of politics the graver character of religious strife. I saw this with the deepest regret, because I know the suspicion to be groundless. But now allow me to call the attention of the House to the degree to which this case has been narrowed within the last week. It stood for a long time, that ten Roman Catholics were struck off by the Crown, because they were Roman Catholics, and not because they were Repealers. The noble Lord really stated a part of the case which is decisive on this point. Very early that accusation was taken notice of in the Court of Queen's Bench, and it was urged that it was most desirable that the traversers, who alone had access to the books of the Repeal Association, should verify that these ten Roman Catholics were not members of the Repal Association, and one of the counsel undertook that an affidavit should be filed, negativing the fact of their connection with the Association. If I mistake not, it was not till towards the close of these proceedings, that this affidavit appeared, and most important it was; because that affidavit disclosed the fact, that eight

out of the ten Roman Catholics were members of the Repeal Association. I, therefore, now have only to show the motive for striking off the other two. I cannot believe that it will for one moment be contended that the Crown was not justified in keeping any name off the jury list, because they were Roman Catholics, even though they were Repealers. There is no impeachment in striking off persons who are partizans. I will put a most simple case. If, in a fox-hunting country I were to bring an action of trespass against the master of the hounds, and there was a large body of the members of the hunt as special jurors, my solicitor would not act with common sense if he did not strike all those gentlemen from the jury. Or, if I brought an action in resistance to a claim for tithes, he would be wanting in ordinary prudence if he did not strike all the lay impropriators from the jury. It is not a question, therefore, which touches the honour of parties, but it is a simple question, what are their strong pre-conceived opinions?—and in the course of this debate I shall be astonished if any Gentleman has the rashness to contend, that eight Roman Catholic members of the Repeal Association ought in justice and in reason to have been left on the jury. I will now consider the case of the two jurors who were not, according to the statement of the solicitors for the traversers, members of the Association, though Roman Catholics. Their names are Michael Dunn and William Hendrick. I hope the House will bear with me while I state facts intimately connected with this grand question — namely, whether it were the wish of Her Majesty's Government to administer justice with impartiality in Ireland, and without distinction of class. Dunn resided in St. Patrick's ward in Dublin, and I am informed that there are four persons of that name, and three of them had signed the requisition for the Repeal meeting at Tara, and as we then believed, and as we still believe, Michael Dunn, the brazier, who is the person I am now speaking of, signed that requisition. He has himself made an affidavit, in which he has negatived the fact that he is a member of the Repeal Association; but he has not negatived the fact that he signed the requisition for a Repeal meeting, either at Tara or in his own ward. I will now state another fact to the House. I state deliberately that the instructions given by me to the Irish Government with respect to that jury were most explicit. It was in the power of Her Majesty's Government to have tried the question by a common jury. In that case the traversers would not have been entitled to challenge a single name; whilst Her Majesty's servants might have ordered jurors to stand by without stint or limit. By taking that course we might have gained an advantage, but we felt that such a course would be in violation of public opinion, and we thought it would be unseemly that the traversers should be precluded from challenging; we thought on the whole it was a course to be avoided, and we directed the servants of the Crown to apply for a special jury. What was the effect of that? To give to both parties a perfect equality of right. Forty-eight names are selected by lot, and that number is reduced to twenty-four, by alternate strikes, the Crown and the traversers having an equal and the same right, and the number being thus reduced the selection of twelve from the twenty-four then takes place by ballot. And I would beg the House to observe that it is not only that you may strike, but that the act is imperative, that you must strike; and, as I said before, the obvious common sense rule of justice is, that each party should strike those whom they thought had prejudices in their case contrary to their respective interests. Now, I will go further, and I state to the House again, most deliberately, that the instructions of Government were not to strike off Roman Catholics, because they were Roman Catholics—but only to strike off Roman Catholics in circumstances in which the duty of the servant of the Crown would have led him to strike off any other person. These were the instructions that were given by the noble Lord (Lord Eliot), and I do not say that these were instructions only, but I am satisfied that to the best judgment of the persons engaged they were fulfilled. I have now disposed of nine out of the ten. There remains the tenth case — that of Hendrick; and I state that Hendrick was believed at the time of striking the jury, and at some time subsequent to that, to be a Protestant. It would be a dereliction of my duty if I stated to the House the reasons for striking off Hendrick's name; but I do state most positively that he was believed to be a Protestant, and was struck for grounds having no connexion whatever with religion. I will not pursue this question further, but I can conscientiously state that nothing was so opposite to the wish of the Government as the exclusion

of Roman Catholics from the jury upon account of their religion. No such instructions were given; on the contrary, instructions were given to avoid such a course; I believe they were faithfully fulfilled, and notwithstanding the prejudice which has been excited on this subject, I am quite satisfied that no accusation was ever more unfounded. I must now advert to one other observation of the noble Lord, with respect to abstaining from prosecuting those meetings earlier, which were held to promote the Repeal of the Union. I will state, on the part of the Government, that throughout the last Session of Parliament there was the greatest disinclination to interfere with the right of petition; but we regarded those meetings with anxiety; we believed that they went to the verge of the law, if they did not trespass beyond it; they were very multitudinous, the language used at them was very violent; and there were certain circumstances connected with them, such as the marching in military array with martial music, and other accompaniments, which I believe brought these meetings within the definition of unlawful assemblies. It is possible that some of those meetings were illegal. But what is that admission made by the noble Lord? When he asks, why did you not prosecute? the moment we are taunted with not prosecuting—that taunt implies an admission that the acts were illegal. But waiving that, I contend that if at first we had prosecuted for attendance at some one of these meetings, for some speech delivered there, or for some article in the newspaper, no moral impression would have been produced, and it is even doubtful whether we should have obtained a conviction; and hence the great object which the Government had in view, viz., the proving the supremacy of the law over the leaders in this course of sedition, would not have been gained. The noble Lord has had experience with me upon this very point. Lord Grey's Government did try to prosecute the editor of a newspaper—one of those very persons now prosecuted—for publishing a letter of Mr. O'Connell's. The Government obtained a conviction. Mr. O'Connell, though his name was to the letter, did not own himself the author, and Mr. Barrett, the editor of the paper, was condemned, and was sent to prison. There may be various opinions as to whether he were properly treated. Mr. O'Connell himself censured the course adopted, and characterised it as mean and shabby in the extreme; and, as far as he was himself concerned, I think, perhaps he was right. The object of the present Government was to procure the punishment of the "very head and front of the offenders," and by pursuing the course Her Majesty's Government have pursued, not by dealing with particular meetings, nor particular speeches, nor particular paragraphs, but allowing the whole scheme to develope itself, by pursuing that course I say we have succeeded in proving the leaders of this scheme of agitation guilty by a jury fairly constituted and under the direction of a unanimous bench. ["Hear."] Yes, not before a single judge sitting at *oyer* and *terminer*; but in the most solemn manner, by trial at bar, in the metropolis of Ireland, with the eyes not only of Ireland, but of the whole of Great Britain fixed upon every stage of the proceedings. And at the same time we have the acknowledgement of the Gentlemen opposite, that upon the whole the Attorney-general conducted the case calmly and temperately. [Lord *J. Russell* was understood to dissent.] Well, if the noble Lord doubts the fact, I will refer him to the speech of Mr. Whiteside, the counsel for one of the traversers, in which he compliments the Attorney-general, saying that he had conducted the case with great fairness. The traversers suggested various delays to which we could not accede; but the moment they pleaded we offered no opposition to any reasonable application for postponement. One such application they did make, grounded upon the imperfect state of the jury list, and Her Majesty's Government did consent to a postponement for the purpose of ascertaining whether or no the list were imperfect; and while I am upon this subject I may state the pleasure with which I have heard from all hands the most complimentary expressions employed towards my right hon. Friend the Recorder of Dublin, for the trouble which he took, and for the impartiality which he displayed in the revision of the list. Now, had we taken the opposite course—and the verdict of the jury, a most discriminating verdict, clearly establishes the fact—I repeat, that had we tried any of those parties, or all of them, for attending an illegal meeting, we should not have convicted them. Look at the verdict. The first count charged that the meetings were illegal and seditious, and went on to state that they were held and assembled for illegal and seditious purposes. Now the jury have negatived the fact that the meetings were in themselves illegal and se-

ditious, but have found the parties guilty of attending them for illegal purposes. Nothing can be more intelligible. It is not for me to contend that all those meetings were illegal. My belief is that they were held for particular purposes—to intimidate the Government and to force the Parliament into a breach of national faith; by intimidation to force the Legislature to take a course which the Legislature without such intimidation was not prepared to take. The motive in the case was everything, the means used singly and separately might not have been illegal, but that was no proof of the absence of an illegal motive; and this was exactly the opinion of the jury. They said the meetings separated peaceably day by day; any one of the articles taken separately may not have been illegal, but they do show a combined purpose to effect an object which though not illegal in itself yet by illegal combination renders the parties combining amenable to the law. Now, the noble Lord has expended some argument against the law of conspiracy, and has compared it with constructive treason. I need not remind the House of the difference between the highest capital offences and misdemeanours; but I deny that there is any novelty in the law of conspiracy. Even if there were any novelty, I contend that we have at present to contend with a new state of things. One of the most sagacious of living men drew my attention not long ago to a saying of one of the most profound thinkers that ever lived among women. The duke of Wellington called my attention to the following observations in Madame de Stael's *History of the French Revolution*:—

"In these days," says Madame de Stael, "On conspire toujours sur la place publique, où plutôt, on ne conspire pas, on s'excite les uns les autres."

In these latter days Leagues meet in theatres. Demagogues spout in the market-places; and conspirators build conciliation halls to disseminate sedition among the multitude. I deny that the law of conspiracy is new; but, even if it were, I say that it would be necessary to frame it, to meet such a state of things as the present. But it has been said, "Why, when you determined upon proclaiming the meetings, did you act as you did in proclaiming the meeting at Clontarf?" I beg your attention to this. The noble Lord said, the proclamation was marked with so much negligence and carelessness that it endangered the lives of the people, and he then passed a glowing eulogium upon the exertion which Mr. O'Connell employed to prevent the meeting. I concur in the eulogium so passed. The noble Lord reminded us of Mr. O'Connell's preaching peace, and gave him great credit for opposing chartists and trades' unions. Now, I do not wish to aggravate the case against Mr. O'Connell, but I would remind the House that this very argument was urged in his defence upon his trial, and that it was met by the Crown, and proved by the Crown to be part and parcel of the means by which that conspiracy was conducted. If any one meeting had been riotous, if the peace had been broken, the effect desired by its leaders would not have been produced—the slightest infraction of the public peace would have been immediately checked by an overwhelming force, and would have been fatal to the design of conspiracy. Whilst I recollect I will also touch upon another point in the noble Lord's speech. The noble Lord, in more than one paragraph of his speech, with a great deal of forgiveness and a great deal of the most amiable charity, praised Mr. O'Connell very much, whilst he condemned in a like degree Lord Lyndhurst. Lord Lyndhurst may be comforted, when the noble Lord opposite abuses him: censure falls light from the panegyrist of Mr. O'Connell. Now, Sir, I stand here the colleague of Lord Lyndhurst. I am his friend. I am astonished that the noble Lord should have thought it becoming his station to have spoken of the Lord Chancellor of England in the terms which he has thought proper to use. Away with all high aristocratic notions of noble birth and other adventitious circumstances: here is a man who from his first entrance into public life has risen by the exertion of pre-eminent talent: watch his progress at the University—watch him at the Bar. In political life, it is true, he has created some enemies, but not many in this country, where he is best known; but I will undertake to say, Sir, that no man ever adorned the judgment seat with judicial functions of a higher order, his integrity is incorruptible, his talents first-rate; and, Sir, I think it hard that a man who has risen to pre-eminence after a long life, by means not dishonourable, should in his absence be taxed, even in party strife, and by the leader of a party, in a way so severe and so unjust. I am confident Lord Lyndhurst would not have

spoken of any political opponent in his absence in any such terms. But is this all that is ungenerous? The noble Lord has not only reminded you of certain expressions imputed to my noble Friend, but was further betrayed into saying what I am sure he cannot mean and must wish unsaid, that Lord Lyndhurst, not for his talent, not for his public virtue, not for his pre-eminence in his profession, but that he had been selected for the Woolsack by the right hon. Baronet at the head of the Government on account of his having insulted the Irish people. Perhaps the noble Lord was excited. I am quite sure that upon more calm reflection, these are expressions which the noble Lord would not have used. But to come to the fact of the expression attributed to Lord Lyndhurst; I say that Lord Lyndhurst, in the presence of the House of Lords, who heard the expressions—who knew precisely what fell from him—five or six days afterwards positively denied the use of them in the sense in which they had been misrepresented. I say he positively denied their use in the sense which was applied to them. Lord Lyndhurst himself, in the explanation to which I refer, reminded the noble Viscount then at the head of the Government (Viscount Melbourne) and the President of the Council, that they were both present when the expressions were used, and that they neither commented on nor objected to them, as it was undoubtedly their duty to have done if they had understood them to have the meaning imputed to them. No; it was not till a false gloss had been put upon them elsewhere that any comment or explanation was required or made. Now I will pass from this subject, which I thought it my duty to notice, and I can assure the noble Lord that the pain with which I heard his attack upon Lord Lyndhurst was very great, because I thought it an attack unworthy of a generous adversary. The point to which I was adverting when I was led away by these considerations was the imputation of negligence and carelessness on the part of the Government with regard to the proclamation forbidding the meeting at Clontarf. The requisition for the meeting at Clontarf was sent to me upon Thursday the 27th of September. On Saturday, the 29th, a proclamation was issued by the Committee of a very peculiar character, to which it is my duty shortly to call the attention of the House. At that moment, the Lord-lieutenant of Ireland was absent from Ireland on account of his health. My noble Friend the Secretary for Ireland, sent to me a copy of this proclamation. It is headed, "Repeal cavalry — Clontarf meeting—muster and march of the mounted Repeal volunteers." It would be tedious were I to read the whole proclamation, but all the expressions used in it are studiously of a military nature, and they are intended to give to the whole assemblage a martial character. In former meetings, there had been a display of infantry. Mr. O'Connell had boasted that his infantry was superior to that which the Duke of Wellington commanded at Waterloo, and far more powerful than that which Napoleon led to Moscow. But this was the first occasion on which a summons was issued for the assembling of cavalry. I will not, as I have said, trouble the House with the whole proclamation, but will just read the first paragraph, which will show the nature of the whole.

"1st. All mounted Repealers from the city or from the south and west sides of the county to muster on the open ground, Harcourt-street-fields, on Sunday, the 8th of October, at 12 o'clock at noon, and form into troops, each troop to consist of 25 horsemen, to be led by one officer in front, followed by six ranks, four abreast, half distance, each bearing a wand and cockade distinguishing the number of his respective troop."

It was conceived by my noble Friend that this was a new and peculiar proclamation; and it will now be necessary for me to call the attention of the House to the progress of events in Ireland about that time. Several immense multitudinous meetings had been held in different parts of Ireland, and the violence of the language had increased as the multitudes augmented. There had been the meeting at Tara, and the crowning at Mullaghmast, attended with the peculiar circumstances of banners and martial music which distinguish all the meetings. Large contributions had been received from foreign countries; a tax, amounting in one week, I believe, to 3,000*l.*, had been levied upon the Irish people; there was impending the meeting in Conciliation-hall of 300 representatives, who were to assume the character of an Irish Parliament; and then, at last, came this proclamation of a military character. It is asserted, and I think the noble Lord rather confirmed the statement, that this was to have been the last meeting. Let me negative that assertion. I have the words of Mr. O'Connell, used by him at

Mullaghmast on the 1st of October to contradict it. He said:—

"He would not have met them at Mullaghmast again, but for the purpose of showing the completeness of their position and expectations. He had arranged six or seven meetings more, and by the time they were held, he thought the Ministry would be shown that their do-nothing policy would not remedy the grievances of Ireland."

The meeting at Clontarf, therefore, was not to be the last, but in calling that meeting one of an additional series, this proclamation of a military character was issued; and as I have stated to the House, I received it in London on the 1st or 2nd of October. I summoned the Lord-Lieutenant and the Lord Chancellor of Ireland and the law officers of the Crown to a meeting on the day that I received this communication. It was on Sunday, I think, that I received it, and I summoned the meeting for the following day. We met; we deliberated. Now, that proclamation had issued from the Corn Exchange, whether with or without the knowledge of Mr. O'Connell does not appear; but it became the subject of consideration in the Association on the Monday, and then the question was discussed whether or not the military terms should be withdrawn. Alterations were made, though they were not wholly withdrawn, and a second proclamation was issued. For the word "troops" "groups" was substituted. But several military terms were retained, and in substance the proclamation was identically the same. A meeting was to assemble in the heart of Dublin in mid-day, and for the purpose of demonstration to march under the Castle-wall. [Mr. *Wallace:* "Will the right hon. Gentleman read the second proclamation."] Yes. It is dated, "Sunday, October 8, 1843;" the summons to appear mounted upon Conquer-hill was omitted.

"The committee for this great national demonstration, being apprised of the intention of many repealers to appear mounted at Clontarf, recommend the following rules to be observed for the regulation of the cavalcade:—1. All mounted Repealers of the city or from the south and west sides of the county to muster on the open ground, Harcourt-street-fields, on Sunday, the 8th of October instant, at 12 o'clock at noon, and form into groups" (not troops) "each group to consist of 25 horsemen, to be kept in order by"—the words "officer" and "half-distance" are omitted—"some one or two in front, followed by six ranks, four a-breast, each bearing a wand."

The military character even of this second proclamation is quite transparent. It became necessary for Her Majesty's Government, aided by the Lord-Lieutenant of Ireland, the Lord Chancellor of Ireland, and the law-officers of the Crown, to consider whether this second proclamation had altered the case. We deliberated; and on the Wednesday morning it was considered necessary that the Lord-Lieutenant and the Lord Chancellor should repair forthwith to Dublin. Her Majesty's Government did not give a peremptory order that this meeting should be proclaimed, because circumstances might vary; but the authorities had a discretion to consider the facts on their arrival in Dublin, and to decide according to certain fixed instructions which were laid down. The Lord-Lieutenant and the Lord Chancellor arrived in Dublin on Friday, having left London on Thursday morning. On the Friday, they immediately summoned a Council and deliberated on the facts, and they determined to proclaim the meeting; but they had to weigh well every word of their proclamation, to put it into form, to pass it through the Hanaper-office, and to have the great seal of Ireland affixed. The whole of this was done between Friday at noon and Saturday at noon. The proclamation was instantly made as public as possible, and was posted upwards of thirty miles round Dublin on Saturday evening. It was a meeting, be it remembered, for the districts, and the immediate vicinity and neighbourhood of Dublin, and the proclamation could be known therefore, by four o'clock on the Saturday afternoon in Dublin and its immediate vicinity. Now, admitting the full value of Mr. O'Connell's exertions in preventing the meeting, I am happy to say, that it did not take place, and that nobody was injured, no mischief was done to life or property, and no evil consequence of any kind ensued. I have dwelt as shortly as the justice of the case would admit on all the circumstances connected with this Proclamation, because I feel convinced that a simple narration of the facts is the very surest mode of meeting misrepresentation. Having now trespassed upon the patience of the House for a considerable time, I shall omit some topics, which, if it were earlier in the evening, I should be disposed to discuss. But I am asked—what is the benefit of the course we have adopted? I will tell the noble Lord and the House. Already very important benefits have been gained; for the last three months there has been comparative

peace in Ireland. With returning tranquillity there has been a revival of industry and more extensive employment. But is that all? I do conceive an immense object has been effected by proving that without any extraordinary powers, either asked or granted, trial by jury, and the law as administered in Ireland, by an unanimous Court, have been triumphant over a most dangerous conspiracy. That is my short answer to the question what is the benefit of the trial? But the noble Lord said, incidentally, that we occupy Ireland by a military force. Most certainly we do occupy Ireland by a military force. When a demonstration is made, clearly showing an intention to wrest Ireland from Her Majesty by a display of physical force, does the noble Lord himself object to any such proceedings? Am I to understand that to be his opinion, when the Government are convinced, in common with the jury who have now convicted the parties, that there was a design to tamper with the army, to overawe the Government, to assume the functions of the Executive by the appointment of a police, and by the establishment of courts of law and of equity, and that the functions and powers of Government were, one by one, to be assumed by the Repeal Association,—does the noble Lord say, that it was not the bounden duty of the Government, both to the people and to Her Majesty, to take precautions against such proceedings? Until these military demonstrations had taken place, for they might well be called military demonstrations from the manner in which the Repealers were brought together and compared to the finest troops in Europe, and stated to be even superior to them, we were not justified in taking more than ordinary measures of precaution; and until the month of March last, so far from having a large portion of the Queen's army in Ireland, we had a somewhat weaker force compared to that of former years. I have a return which I thought the hon. Member for Coventry had moved for, and which I am ready to produce, if he does call for it, and which has been called for in the other House of Parliament. It shows the total rank and file of all the forces in Ireland on the 1st of January in each year, from 1830 to 1844. Now, Sir, I think it quite right to conceal no facts at the present moment with reference to this point. I believe the force in Ireland is equal to every emergency, and to prevent all delusion on the subject, Her Majesty's Government will produce the return. On the 1st of January, 1844, there were 21,251 men in Ireland. When I had the honour to be the colleague of the noble Lord in 1833 and 1834, the amount for the first of those years, was 23,998, and for 1834, 23,035. Between the 21st of September, 1841, and the 1st of March, 1843—that month in which the monster meetings began, when Her Majesty's Government did think it necessary to act with decision in respect of this matter, two regiments of cavalry had been withdrawn, and one only sent; twelve battalions of infantry were withdrawn, and eight only sent. On the 1st of January, 1841, the total force was 14,687 men; on the 1st of Jan., 1843, 14,476. [*Cries of* "Marines."] The marines are not included in the return; but they are generally about 600. I readily and most decidedly admit that melancholy indeed would be the prospect of this country if Ireland were permanently to be held by a military force; but when a design is entertained to wrest Ireland from this country by force, that design must be resisted: far be it from me, however, to contend that a military policy is the soundest policy upon which to govern any country. It may be said, these are mere words, and that they prove nothing. Let me then shortly glance at the measures the Government have undertaken and those they are prepared to take with regard to Ireland. I listened attentively to the noble Lord, and to the right hon. Gentleman and I have been unable to discover in what fell from them on the policy which they suggested to be pursued with regard to Ireland, any thing very new, or very useful; but Her Majesty's Government have, as the House knows, issued a Commission with reference to the occupation of land in Ireland, and the terms of that commission are,

"To inquire into the state of the law and practice in respect to the occupation of land in Ireland, and in respect also to the burthens of the county cess, and other charges which fall respectively upon the landlords and occupants, and to report what alterations may be made, with a due regard to the just rights of property, the cultivation of the soil, the extension of the advantages of agriculture, and the relation between landlords and tenants."

These are extensive subjects, and into many of them, I have no doubt, that an inquiry ought to be made, and will bring forth useful information. The right hon. Gentleman, the Member for Kildare, made an observation last Session, which appeared

to me to be full of truth and wisdom, —namely,

"It is no answer to me to say, that the law affecting landlord and tenant, in Ireland, is the same there as in England, for the different circumstances of the two countries, and the different state of society in each, may cause the same law to produce very different effects."

I will illustrate what I mean by a reference to the Law of Ejectment. I recollect that some years ago the hon. Member for Cockermouth proposed a measure by which the power of ejecting a tenant under 20*l.* a year was given to the magistrates. On that occasion my right hon. and learned Friend the present Lord Chancellor of Ireland who was then a Member of the House, objected strongly to the principle, and said that the adoption of such a measure might produce very serious consequences. He added that he thought that that part of the law of England relating to ejectments was better for being somewhat tardy, and that it was desirable that the process for that purpose should be adopted in the Assize court of the county, and before an assembled bar, and an auditory that would carefully attend to the case. By such a course, he said, time would be afforded to allow any warmth of blood to subside, and angry feelings to be allayed. But there are circumstances connected with ejectment in Ireland, where a summary process is given to the Quarter Sessions, which may be attended with practical evils. It therefore is a question whether it would not be advisable carefully to investigate the summary process of Ejectment by Civil Bill in Ireland. Again the question of Compensation for Improvements made by the Tenant, is one of great practical importance. In England, buildings on farms, and under drainings, are generally made at the cost of the landlord; but this is not so generally the case in Ireland. In that country I understand that even for improvements made under lease, no allowance is made to the tenant on his lease expiring; or on his leaving his farm, I think that some arrangement might be made by which the interests of the tenant may be preserved, and that too is a subject deserving careful investigation. Again, with respect to sub-letting, which takes place, to a much greater extent in Ireland than in this country, the effect of which is to produce a deterioration in the condition of the peasantry, and to hold out an inducement to landlords to clear their estates when leases fall in, of large numbers of the population. This state of things is sometimes productive of great misery and hardship to innocent parties entitled to indulgent consideration. But all these circumstances have been brought under the attention of the Commissioners, and I believe that all these, and other topics, have already undergone, or will undergo a careful consideration; and I hope, before the close of the Session that some measure, founded on the report of the Commissioners, may be introduced into the House, and pass into a law. The hon. Member for Waterford joined the noble Lord in condemning the Government for reducing the number of the stipendiary magistrates in Ireland. I might have said that this was the only great improvement connected with the law of landlord and tenant in Ireland, which was suggested by the noble Lord. The only measure which he recommended was, an increase in the number of the stipendiary magistrates. Now, it appears very strange to me, considering how recently the noble Lord was a Minister of the Crown, and for how long a time the noble Lord was in high office, namely, from 1834 to 1841, that the noble Lord did not adopt this course, as well as bring forward and carry into effect many important measures which now seem to fill his imagination. The right hon. Member for Waterford upbraided the Government for reducing the number of stipendiary magistrates by ten. I entreat the House to attend to the facts I am about to state. The number of stipendiary magistrates in 1838, '39, '40, and '41, under the administration of the noble Lord and his colleagues amounted to 59. In the estimates of 1841, the year they left office, they took a vote for 59 stipendiary Magistrates in Ireland. At a very curious period, namely, in the month of June, 1841, the noble Lord and his colleagues bethought themselves that the time had arrived when it was expedient to add to the number of stipendiary magistrates in Ireland. The estimates having passed, there had been for four years only fifty-nine stipendiary magistrates in Ireland—on the 15th of June, an addition was made—they added one to the number of Irish stipendiary magistrates on the 15th of June. They added two on the 28th of July; they added two on the 6th of August; they added one on the 16th of August, and, as if to mark the day when Lord Melbourne resigned the seals of office into the hands of Her Majesty, the Lord-lieutenant of Ireland appointed an additional stipendiary magistrate

on that very day. After the Government was a condemned Government, then, and not till then the necessity occurred of adding to the number of stipendiary magistrates in Ireland. In the course of three months they added seven, and, as if it were not only a death-bed repentance, but in the last gasp of an expiring Government, they appointed one on the very day when they left office. Let that course be contrasted with that which has been pursued by the present Government. So far from reducing the number of stipendiary magistrates, ever since we have been in office we have had one stipendiary magistrate more than the late Government had in 1841. We certainly did not think it consistent with our duty to maintain the seven last appointments. But have we acted with harshness towards these gentlemen? I cannot think that any of them had the slightest claim on the consideration of the present Government; but, notwithstanding much obloquy which has been cast upon us, we have appointed four of these gentlemen promoted between June and August, 1841, to vacancies as they occurred, the fifth died, so that there are only two out of the seven unprovided for, and of these one had been appointed on the very day of the late Government's resignation. So much with regard to the measure recommended by the noble Lord as to the number of the stipendiary magistrates in Ireland. It is also remarkable that the attack of the right hon. Member for Waterford, with respect to Ireland, rested mainly on the question of National Education. I have to state to the House that it is the decision of Her Majesty's Government, in the Estimates of the present year, to propose a considerable addition to the vote for National Education. We are quite satisfied that more constant and frequent inspection of the national schools is necessary. We are quite satisfied that training schools for masters and mistresses to manage the approved system of education throughout Ireland are wanting; and, I repeat, it is our intention to propose a considerable addition to the vote for National Education in the Irish Estimates for the present year. The right hon. Member for Waterford suggested another boon that might be conferred on Ireland. We have directed our attention to the state of the law with regard to the power of making grants for charitable and religious uses in Ireland. In the session of 1832, Mr. George Lamb, the lamented brother of Lord Melbourne, brought in an important act, which became law, and which placed Roman Catholics in Great Britain on the same footing, with regard to the enjoyment of gifts for charitable and religious uses, as Protestant Dissenters after the passing of the Toleration Act. The object of Mr. Lamb's act was declared to be this, "to enable to acquire and hold in real estate property necessary for religious worship, education, and charitable purposes." It did not extend to Ireland, and it is our intention to propose to Parliament a measure which will have the effect of placing Roman Catholics in Ireland on the same footing as Roman Catholics in Great Britain, and as the Protestant Dissenters, with reference to Grants of Land for religious and charitable uses. I now pass to a third subject touched on by the noble Lord, namely, the state of the franchise in Ireland. I think the noble Lord must have forgotten that when the Irish Reform Act regulating the franchise in counties was introduced, the leasehold qualification was 10*l.* clear yearly value in Ireland as well as in England and Scotland. The terms were the same—the interpretation, of course, upon the same words with the same object ought in the two countries to be the same; but for the sake of greater perspicuity the terms "clear yearly value," used in the English and Scotch bills, were, in the progress of the Irish Reform Bill, set aside for the words "beneficial interest," in Ireland. I have no doubt the interpretation put in Scotland and England upon the words "yearly value" and by the majority of the judges in Ireland on the terms "beneficial interest," as equivalent to "clear yearly value," was the right interpretation. But the effect has been greatly to narrow the county franchise, and it is the intention of the Government, in their registration act for Ireland, to propose an extension of the county franchise, as a compensation for the restrictive operation to which I have alluded. I think it also right that I should state to the House, as indicative of the spirit which actuates the Government, since we have successfully resisted the attempts to overawe the Legislature and the Executive, that it is our intention to deal, in a certain particular, with the franchise of the cities and towns. At the time of the passing of the Reform Act no Poor-rate had been carried in Ireland. The borough franchise in England depended on the occupation of a house valued at 10*l.*, coupled with the payment of poor-rate and Queen's

taxes for a given antecedent period. No poor-rate existing in Ireland, the condition superadded in Ireland to the 10*l.* value, was the payment of all local rates and taxes. In Dublin, for instance, I believe I do not overstate the matter when I declare that there are, at least, eighteen or twenty local taxes, the omission to pay any one of which operates as a disqualification, and the most solvent person qualified ten times over by the value of his house, in consequence of the omission to pay any one of these local rates, loses his qualification. This is vexatious. It appears to me to give no additional security, and it is no test of the solvency of the parties; but, in addition to this, since the passing of that enactment, the Poor-law has been introduced into Ireland, and a poor-rate, a most important rate, has been superadded. It is, therefore, the intention of the Government that in lieu of all local rates and taxes there shall be substituted the payment of borough-rate, jury-cess, and poor-rate. It is only just to my noble Friend, the Member for North Lancashire, that I should notice an attack which was made upon him with some harshness. The noble Lord was accused of having said of the late Government, that in dealing with the franchise in a registration bill, they fought under false colours. It is true my noble Friend did use that expression, but he used it with reference to the terms of the bill, seeing it was brought in by the then Secretary for Ireland nominally for the single purpose of defining the franchise, whereas it was irrefragably demonstrated by my noble Friend that it was intended, not to define, but materially and essentially to alter it. Another taunt has been cast upon my noble Friend, and my right hon. Friend, and myself, with respect to which I will only say, that we all voted for the proposition suggested by the noble Lord, the Member for Sunderland, to be substituted for that of the Government—that the 5*l.* qualification should be tested by the surplus of rating over rent; because we considered the refusal of leases as operating as an undue restriction upon the franchise. The noble lord commented also upon the appointments, by the present Government, of a chief justice, a master of the rolls, and two puisne judges. We have fought this battle before; but there is now "confirmation strong as proof of Holy Writ," that the ground we took before was right. It is said we did not go to the foremost ranks in the legal profession, which are filled with our political opponents, to find one qualified to fill these high stations. Who are the counsel chosen by the traversers to defend them? Surely the traversers in the late trial were good judges of the most distinguished talent at the Irish Bar. Whom did they select as counsel for their defence? Every one so selected, with the exception of Mr. Pigott, Attorney-general to the late Government, Mr. Sheil, the late Vice-President of the Board of Trade, and Mr. Monaghan, is a Protestant and Conservative. But Mr. Moore is a Protestant, and was certainly Solicitor-General of the late Government. I have a very few words to say upon that which I admit, with respect to the people of Ireland, is the most important of all subjects which can be considered, I mean the Protestant Church by law established in Ireland. I am afraid it lies at the bottom of all our difficulties with respect to the Government of that country — a point which was glanced at, but only glanced at, by the noble Lord, and touched upon with excellent feeling by the hon. Member for Waterford himself, professing the Roman Catholic religion. He asked my right hon. Friend, at the head of the Government, to put a construction on the oath to be taken by Roman Catholic Members at the Table of this and the other House of Parliament. I trust my right hon. Friend will not answer that appeal. The oath is not the oath imposed by him, it is the oath imposed by the Legislature; and I conceive there can be no advantage in discussing in this House the import of oaths. The Legislature, when it admitted the Roman Catholics to a full participation in the rights of a free constitution, made that grant fully and freely, on the condition only of the oath being taken; and, making that condition, the Legislature has marked its confidence in Roman Catholics, that they would take that oath in its fair and candid meaning; the interpretation is left to the conscience of each individual. But I must very shortly notice the observations which fell from the noble Lord relative to the Church of Ireland. His object, as I understand it, is, that equality should prevail. In passing I must say, that we should have imagined, that on making a motion of such great importance, which is equivalent—the noble Lord will not dissemble it—to an attempt to take the reins of power from the hands of the present Government—a motion made under

such circumstances, and with such an object, almost avowed, should have led to a distinct statement of an intelligible policy supported by an united party. The noble Lord cheered when I used the words "perfect equality." I could not divine from what fell from him, that he was prepared to propose perfect equality. I understood the noble Lord to say, that the life interest of all the clergy should be upheld. But unless you call on the State to make good the amount of income of the present established clergy to the Roman Catholic clergy, the noble Lord's measure must be postponed, until a new generation shall have arisen—a long postponement of peace to Ireland. And how is equality to be obtained? Only in three modes—you may add at once a sum equal to the present endowment of the Protestant clergy to be applied to the endowment of the Roman Catholic clergy. That can only be effected by drawing upon the resources of the United Kingdom, and calling on all persons of whatever persuasion in Great Britain to contribute to that endowment. I think you will find it difficult to persuade the Presbyterians and Protestant Dissenters of England to contribute to taxation for the endowment of the Roman Catholic clergy in Ireland, and to this extent. But that is only one of your difficulties. The hon. Member for Waterford said, the Roman Catholic clergy would not accept of an endowment. What would be the object of such an arrangement? Clearly to effect a connection between that clergy and the State, and the value of such a connection depends on the terms. Then again I foresee another difficulty. Suppose the secular clergy in connection with the State; they might be supplanted by mendicant regulars, subject to no control, but men of fervent piety, possessing great influenee with the multitude; and the endowed clergy would probably degenerate into mere pensioners of the State. I confess I should upon principle have had no objection to Roman Catholic Endowment, and had I been in my place in this House in 1825, when my noble Friend, the Member for South Lancashire, proposed a resolution to that effect, I should have given it my support. I believe, however, the time is gone by for such an arrangement; and even if it were still possible or practicable, I do not believe, that it would produce either peace or contentment in Ireland. I think, therefore, we must discard that proposition. An hon. Gentleman on the other side has said, try your measure of equality by the common rules of arithmetic and nothing will be more easy than its settlement. Suppose you proceed upon the principles of subtraction, and overthrow the Established Church in Ireland. To that system the noble Lord has repeatedly declared his inviolable hostility. It was a dangerous measure, he has said, to which he would never consent —one which he repudiated, as contrary to the most sacred principles. If so, how is the result contemplated by the noble Lord to be arrived at? The hon. Member for Sheffield suggests division as the principle, and the noble Lord himself seemed almost inclined towards a division by three—by Church of Ireland, Roman Catholics, and Presbyterians. I don't think the noble Lord would find it very easy to accomplish that division. There might be many who would be very ready to agree to a division by two, who would not adopt a division by three; and with regard to the equal division of the Protestant Church property by Protestants and Roman Catholics, I believe that it would open a scene of more angry contest, and more implacable strife, than any which has hitherto agitated Ireland. Sir, I regret having occupied so long the attention of the House, but with respect to the Protestant Church of Ireland, I say, at once, that I reject all these nostrums. I say, that any proposition which has been suggested as likely to be feasible, is inconsistent with that preference which the Protestant state of England as a fundamental principle, has decided on giving in favour of the Protestant Church Establishment. I stand upon the choice made by this country at the Reformation, confirmed at the Revolution, sealed by the Act of Settlement, and ratified by the Act of Union. I hold that preference to be amongst the firmest foundations of our liberties. I believe it to have been the work of the greatest Statesmen, and I do not believe that it will be overthrown by any Repeal Association, or any body of Conspirators such as we have succeeded in convicting. One word with respect to this motion. I have endeavoured, however imperfectly, to go through all the leading topics glanced at in the course of this debate. I may have touched upon them imperfectly, but I have stated my opinions fairly and frankly. I have dissembled nothing; I have kept back nothing; I have stated everything I thought it my duty to declare. I must say, that I do not think the noble

Lord who is seeking to displace the present Government has been equally explicit. It is for the House, however, to judge. If they think upon the whole, that Her Majesty's present advisers, in a great crisis of public affairs, have acted in a manner unworthy of the confidence of the country—unworthy of the confidence of this House, and injurious to the best interests of the State—let them declare it by their vote, and give that vote in favour of the noble Lord. If on the other hand, they think that we have not forfeited the confidence of the House; if they are of opinion, that in the midst of great public difficulties, it is for the public good to strengthen the hands of the Executive Government, and that they think us still entitled to that confidence and favour, for which we are sincerely grateful—then I call upon the House by a decisive and large majority to negative the proposition of the noble Lord.

The debate was then adjourned, and the other orders having been disposed of, the House adjourned at a quarter-past twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 14, 1844.

MINUTES.] NEW MEMBERS SWORN. William Heald Ludlow Bruges, Esq., for Devizes.

BILLS. *Public.*—1°. County Coroners.

2°. Horse Racing Penalties.

Reported.—Offences at Sea.

PETITIONS PRESENTED. From Dean and Chapter of Worcester, against Union of Secs of St. Asaph and Bangor.—By Mr. Maclean, from Oxford, respecting Window-tax on Licensed Victuallers.

POOR-LAW.—Mr. *Ferrand* hoped that the House would extend its indulgence for a few minutes while he made one or two observations as to a question which he put on Monday evening to the right hon. Baronet the Secretary for the Home Department, as to the separation of children in workhouses, under a certain age, from their mothers. He then commenced his question with the declaration—"That as Lord Chief-justice Denman had declared it to be the unanimous opinion of the judges of the Court of Queen's Bench, 'that there are some cases in which it is necessary to break in upon an Act of Parliament, and upon that which may have existed from all time;' and has also declared that 'it is the mother who is the proper party to have the custody of all her children under seven years of age, and that it is not for the benefit of the mother, but for the protection of the children.'" He had taken considerable pains in drawing up this question; he had since referred to his authority, and been informed that he was perfectly correct in the statement which he had made. He had also referred to the reports of the case to which he adverted, in the *Morning Chronicle*, the *Times*, the *Morning Herald*, and the *Morning Post*, as they appeared in these papers the morning after judgment was delivered, and he found that they all nearly coincided. He hoped that he had said sufficient to convince the House that before he placed his question on the notice paper he had exercised sufficient caution, and was therefore justified in doing so. He now wished to ask the right hon. Baronet whether he still denied that Lord Chief Justice Denman had used these words; and he also wished to ask whether he still continued to deny the correctness of the other words in the notice paper?

Sir *J. Graham* having received no previous notice of the hon. Member's intention to ask this question, had not brought down with him an authorised report of Lord Chief Justice Denman's judgment in the case alluded to by the hon. Member. He was very far from imputing any motives to the hon. Member when he formerly answered his question, and he then stated that he believed that the hon. Member had used every caution to get correct information on the point, but notwithstanding this, the hon. Member had been mistaken. The hon. Member now stated that he found that the information which had been communicated to him, and on which he had founded his question, was confirmed on searching in the papers of the following morning, and that all the reports of the judgment in question substantially concurred; and this, he conceived, was a test of the accuracy of the words used. Now, at the same time, he (Sir James Graham) had it from the very highest source, that not only were those words not used, but words the very converse of them. The words quoted from the morning newspapers by the hon. Gentleman were, "That there are some cases in which it is necessary to break in upon an Act of Parliament, and upon that which may have existed from all time." Now the words used by Lord Denman were, "That although it was the general rule to adhere to established principles, yet cases have arisen, when, in order to give effect to the express words of an Act of

Parliament, it has been necessary to break in upon established principles." The learned judge also laid it down, that although, as a general rule, the mother might have the care of her child, yet cases might arise where policy would require a departure from it, and these had been provided for by Act of Parliament. The learned judge then observed that this was a case of the kind. The words, then, as quoted by the hon. Member from the various reports, were not correct as to the great principle which the hon. Gentleman said that the learned judge had put forward. Indeed, such an opinion would be most monstrous as coming from the Lord Chief Justice of England, that he thought that in certain cases it would be right to break through the words of Acts of Parliament. He, therefore, was enabled distinctly to state that not only what he had just observed was confirmed in the authorised reports, namely, the *Jurist* and *Law Journal*, in which the case was accurately reported, but that if more was wanted, he had the highest judicial authority for the assertion he now made.

Qui Tam Actions—Gambling Law.] Mr. *James S. Wortley* hoped that the House would listen to him for a few minutes while he addressed them on the subject-matter of the bill, the second reading of which he was about to move, as it regarded a case of great importance involving nearly half a million of money, and involved persons who were not aware that they had committed any legal offence. He should not have felt called upon to trouble the House at all, if it were not for some symptoms of opposition which had been manifested with respect to this bill. The hon. Member for Montrose said a few nights ago, that the object of the bill was for the encouragement of gambling. Now, he would at once declare, that no one would give a more strenuous opposition to this bill than himself, if he believed that it had such an object, or would be productive of such an effect. He did not suppose that the hon. Member for Montrose had ever entered one of the numerous gambling houses which abound in the metropolis, and he could assure the hon. Member that he had never done so, for his professional pursuits had entirely destroyed any such disposition. He certainly had won as much as 10*l.* or so on a race, and although he had some knowledge of the law, he confessed, that at the time he did so, he was totally ignorant that he was breaking the law. The object of this bill was to suspend the operation of certain provisions of the 16th Charles 2nd, chap. 7, and the 9th of Anne, chap. 14, respecting penalties that could be recovered for Horse-racing. He repeated, he merely wished to suspend the operation of certain provisions of these acts to the end of the Session, and then only as far as regarded common informers bringing actions to recover penalties for betting at horse-races. He did not propose to touch that part of the act allowing parties who had made bets and lost them, and had paid their losses, to get back the money so paid by action. With respect to the motion for which the hon. Member for Manchester had given notice, he would only then observe, that if the hon. Member would move for a committee to inquire into the operation of the laws against gaming, he would cordially support his motion, and would give him all the assistance in his power to carry out the inquiry; but any opposition to the present bill, he would resist to the utmost. At common law, betting was perfectly legal, unless it was against public policy, such, for instance, as was held in the case of a bet respecting the duration of the life of Napoleon Buonaparte, while ruler of France, or against decency, as was determined in the case of the bet as to the sex of the Chevalier D'Eon; or against morals, as in a bet whether a single woman was with child or not. With such exceptions as these, betting at common law was legal, and the bets could be recovered. For instance, it had been determined, that the bet as to the colour that a certain jockey would wear when he rode on a racer was legal, and the money lost could be recovered in court. Again, if a bet was made after a race, and if one party bet 500*l.* that one horse had won, and another party that it had not, it had been held in such case to have been a perfectly legal bet. Such niceties as these might be known to those who belonged to the legal profession, but it could hardly be expected that the persons whose interests were involved in this bill should be acquainted with the law on the subject, as they were not lawyers. He was sorry to say, that the persons who had brought these actions, were not of the honest class of lawyers. There were some descriptions of bets which were most objectionable, and yet were legal. For instance, a case of this description occurred

in 1771: Two young men, namely, Mr. Codrington, the son of Sir William Codrington, and Mr. Pigott, ran what was called their fathers' lives against each other, and it was referred to Lord Ossory to determine as to the odds that should be laid. That nobleman determined that they should be 1,600*l.* to 500*l.* A bet to this amount was settled, and Lord March, afterwards Duke of Queensberry, who thought the odds too favourable on the side of Mr. Pigott, obtained the bet from that gentleman. It appeared, that before the bet had been settled, the father of Mr. Pigott died, but the circumstance at the time was not known to either party. In consequence of this the payment of the bet was refused, and an action was brought, and was tried before Lord Mansfield, and the plaintiff recovered; and, on a motion being made for a new trial, the court refused to interfere with the verdict. Here, then, was a bet which was contrary to every feeling of decency, which was determined by a court of common law to be legal, while those who made bets on horse-races were exposed to the most harassing and vexatious proceedings by a set of common informers, who happened to be attorneys' clerks. He should be able to show, that in these proceedings, these persons had not acted from any regard to public morals, or with the desire of suppressing gambling, but for the purpose of extortion, and with the worst feelings of revenge. The 16th Charles 2nd, c. 71, under the provisions of which these actions were brought, and by which bets on horse races were held to be illegal, was entitled "An Act against Doubtful, Disorderly, and Excessive Gaming." It should be recollected, also, that the second act, the 9th of Anne, was passed in the reign of a Sovereign who had greatly encouraged the practice of horse races, and he had been informed by a noble Friend near him that only two days before she died she won the cup at York. There was, however, not a word against bets at horse races in this act. There was a curious provision, however, in it. After enacting the penalties that should be levied for gaming with cards, dice, tables, or other games, or betting to the amount of 10*l.*, it proceeded, in the last clause, to declare that its provisions should not extend to any games played or bets made within the precinct of Her Majesty's palace. Of course, Queen Anne could not be expected to run a horse race in her drawing-room, nor did he believe that bets on horse races were in the contemplation of the framers of the act. As to the parties bringing these actions, one of them he might mention, who was now an attorney's clerk, had been croupier at a gambling-house, from which place he had been discharged for reasons which could be explained when necessary. Another, also an attorney, had likewise been connected with gambling. The records of the Court of Exchequer did not enable him to say what the exact amount was for which the actions were brought, but he had seen five of the writs issued against a gentleman, one of the most honourable-minded men in existence, who certainly had had no idea that he was offending against the laws, and the sums set forth in those five writs alone amounted to upwards of 80,000*l.* One circumstance would show what sort of persons those were who had got up these prosecutions. One of the attorneys concerned for the plaintiffs hearing that a certain eminent personage in the law, who he had reason to believe had been consulted by some of the defendants, and had been consequently made acquainted with much of the case, went to that person, and representing himself to be Mr. Hill, one of the solicitors for the defence, obtained an opinion and information upon the case as for the defendants. He did not consider, with some hon. Gentlemen, that the present proceeding was at all a departure from the principle of justice. In the year 1814 a bill was, in like manner, introduced into Parliament for the purpose of stopping certain actions that had been brought under an act of Parliament against certain non-resident clergymen, and on that occasion, Lord Eldon expressed a decided opinion that, when it was found that informers were making a vexatious and corrupt use of an Act of Parliament, for the mere purpose of extorting money and enriching themselves by legal penalties, it was time for the legislature to interfere. He had that day ascertained by merely half an hour's search at the Court of Exchequer, that no fewer than twenty-one actions involving penalties to the extent of half a million had been brought from no desire of vindicating public morals, or promoting public or individual virtue, but for the mere purpose of pocketing a moiety of the proceeds. The hon. Member read over the names of several of the persons who were the subject of these actions and said, they were all honourable men — Mr. Bowes, Lord Elingtoun, Lord Bentinck, who was

there to answer for himself, Mr. Crockford, and John Gully, Esq., once Member for Pontefract, and these gentlemen were not made equally the object of attack by these informers, some of them being served with six, some with five, and others with fewer writs. He begged to be understood that he was not the apologist or defender of the practice of gaming, or staking large sums on events regulated by chance. Still he wished to explain that in most cases large bets were hedged off by the person who made them, taking odds against the chances of his winning the original bet; so that, though taking originally a bet of 100*l.*, he might hedge off 99*l.* of it, standing only the loss of 1*l.* In this respect, a man so circumstanced, and having so hedged his money, would be sued not for the penalty upon the 1*l.* he really risked, but for the whole penalty on the 100*l.*, or treble the amount of the wager. Could any thing possibly be more unjust than inflicting such a penalty to be recovered by indifferent parties through the defective language or improper wording of these acts of Parliament? It would perhaps be objected by some hon. Members that the House would not have been troubled upon the subject of these actions, if the persons sued had been persons in humble life or poor. He would suggest this objection was at once invidious and invalid, for it would hardly be ever expected that such actions would be brought against men in the humble walks of life, and if a poor man they could expect no more than his skin. He would refer those who were too much engaged to make more extensive inquiries on the subject to an article in the "Law Magazine," very ably written, which concludes by saying that the laws relative to Gaming have been drawn with so much carelessness and are so uncertain that it is impossible to say, what the rights and liabilities of any man are in reference to those laws. Assuring the House that he was prompted in this instance solely by a sense of duty and a desire to defeat imposition, he moved that the bill be read a second time.

Mr. *M. Gibson* said, the bill involved considerations of the most important kind. When the hon. Gentleman proposed to enact an *ex post facto* law to relieve those who had violated the law, to give protection to those who had violated the spirit and words of an act of Parliament, and to withdraw protection from those who obeyed it, a very satisfactory explanation of his reasons must have been expected and required. In proposing to the House the amendment which he (Mr. Gibson) had risen to move, it was necessary for him to state that he thought the House had nothing to do with the character of the parties. The House ought to dismiss the question of character entirely from its consideration—they ought to have nothing whatever to do with considerations of character or station in such a matter as this. To allow such considerations to influence them was to legislate, not on principles, but from personal motives, and for almost personal ends. The hon. Gentleman who had introduced the bill, had, in fact, given the best reason possible why he (Mr. Gibson) should persevere in his amendment. He said the law affecting these subjects was so bad, that it required revision altogether. He did not, however, tell them what might be the effect of looking carefully and searchingly into the effects of these laws. It might turn out, after inquiry by a Committee of the House, that the Legislature might still maintain the opinion, that the present law it would be desirable to maintain. And should this be the case, as very likely it might be, they would, if they consented to this bill, be saving those who had now violated the law, by a sort of parenthesis. The House might report it to be desirable that certain penalties now attached to acts of gaming should still be retained. He (Mr. Gibson) had heard that people on the other side were very fond of trying to make the nation moral and religious by Act of Parliament; and he, therefore, would not, if he could help it, allow great men, and rich men, and influential men, to escape the infliction of laws which they had made for other people. These actions were not to be suspended, they were to be put an end to altogether. Now, he did not believe there was so much ignorance prevailing as to the existing law respecting gaming as the hon. Gentleman seemed to think; on the contrary, scarcely a term passed in which actions were not brought under these statutes of Charles and Anne. [Mr. *Wortley:* There has not been a single action.] Really, they could not sit there to draw distinctions of this kind. The acts were levelled against gaming, betting above a certain amount, and not against any particular sport. But that it would be occupying the time of the House, he would move that this statute be read by the Clerk at the Table. The

Act of Charles was to prevent deceitful and excessive gaming. There were certain pastimes and games enumerated in that act, and amongst those games and pastimes, horse-racing was named. There could be no doubt that that act, which was meant to apply to gaming, applied also to gambling upon horse-races. He thought, that those who supported this bill in the other House of Parliament must have been jesting when they called the bill at present before the House a "manly and a wholesome pastime bill." It was quite absurd to see the right rev. Prelates, who had been so monstrously alarmed at the idea of anything being done by Parliament to sanction gaming, allowing their zeal for public morals to subside and ooze away at being told by the friends of the bill that it was, forsooth, "a manly sports and wholesome pastimes bill." "Great men may jest with saints, 'tis wit in them, but, in the less, foul profanation." The hon. Gentleman said these statutes had not been acted upon for the last 150 years. Now, it was well known, that *qui tam* actions had been brought over and over again, against persons winning more than a certain sum at one sitting at a game of chance, and yet no one had come down to the House to ask for a bill of indemnity. The hon. Gentleman cited several of these cases, and went on to observe, if the law was not what it ought to be, the Legislature had no one to thank for it but themselves. They had invited informers to take upon themselves the odium and the expense of prosecuting these cases; and the informers had a right to complain if the Legislature attempted to deprive them of those rights which it had bestowed upon them. It had been the policy of the Legislature which had held out to the informer the advantages which had given rise to these actions. Was it justice now to interfere to deprive the informer of his vested interest? Would it not tend to lower the character of the Legislature with the people? Would it not be said that all those who had friends in Parliament in high stations could suspend the operation of the law—could have bills of indemnity introduced to release them from the liability to penalties which they had incurred? In the year 1842 *qui tam* actions had been brought under the provisions of this very clause against a person named Bond; actions of a precisely similar character to those now under discussion. The law had been allowed to take its course. The plaintiff had recovered the full amount of the penalties. There was no insinuation that Bond had permitted unfair play, but merely that he had offended against this particular statute. He did not consider that Bond was so much to blame as the parties who supported his establishment. Bond was not indicted for keeping a gambling-house, but for winning bets above a certain amount, and the action would have equally been good, whether the bets were made on a horse-race or a game of cards. He felt bound to oppose the passing of this Bill of Indemnity, until he had a resolution passed pledging the House to appoint a Committee to revise the laws relating to gambling. The pledge of a single Member was not sufficient, he, therefore, must press his amendment to a division. He would here take the liberty of quoting from a Conservative journal an article on the prosecution of Bond, very much to the present purpose. In the *Times* of Thursday, Dec. 8, 1842, in an article upon Bond's case, there were these passages:—

"All persons who desire to see the laws of the land co-operating with the interests of morality, and more especially all who (like ourselves) are inclined to look with peculiar jealousy at illegal practices, on the part of persons moving in the upper circles of society, must have rejoiced to see the report which was published on Monday, of a successful action in the Court of Exchequer against the keeper of a first-rate gaming-house in St. James's Street. For this we have not to thank either the Attorney-general, or the Solicitor-general, or the Home Secretary, or the Society for the Suppression of Vice, authorities who, we regret to say, are apt to consider the Corinthian atmosphere of St. James's-street out of their jurisdiction, and would doubtless feel a horror of running the remotest risk of detecting a colleague in office, or a Parliamentary or Exeter-hall supporter in his private sins. Our gratitude is due exclusively to an artist named Smith, and to an Act of Parliament of the good old days of Queen Anne."

This case showed, that the statute was perfectly well known. Bond had been ruined, and forced to leave the country. No bill of indemnity had been brought in for him. Judge Blackstone, in speaking of gaming amongst other offences against society, said:—

"But, taken in any light, it is an offence of the most alarming nature; tending, by neces-

sary consequence, to promote public idleness, theft, and debauchery, amongst those of a lower class, and among persons of a superior rank it hath frequently been attended with the sudden ruin and desolation of ancient and opulent families, an abandoned prostitution of every principle of honour and virtue, and too often hath ended in self-murder."

And, again, speaking of gaming amongst the poor, he said :—

"But this is not the principal ground of modern complaint : it is the gaming in high life that demands the attention of the magistrate ; a passion to which every valuable consideration is made a sacrifice, and which we seem to have inherited from our ancestors, the ancient Germans, whom Tacitus describes to have been bewitched with the spirit of play to a most exorbitant degree."

Blackstone went on to say that it was difficult to put down this vice by penalties and *qui tam* actions, but, unfortunately, that was not the sentiment of the Legislature now-a-days. They were desirous to make the people moral by Act of Parliament. In this spirit they had brought forward the Bill for the better Observance of the Sabbath, and other measures by which they showed that they relied more upon stringent enactments than upon affording a sound Education to the people, and enabling them to trust to their own self-control. An hon. Member had stated, that nothing was more common than for that House to relieve parties from penalties to which they had subjected themselves by violating the law. He (Mr. Gibson) agreed that there were cases in which such relief was proper, but the case of Mr. Wright, and the informations preferred by him against members of the clergy, was considered one of the most gross intances of dereliction of principle of which the Legislature had ever been guilty. Mr. Wright had brought 200 actions, in which he sought to recover penalties from clergymen for non-residence, under an act passed in 1803, but then the bishops, and great men of the Church, and the aristocracy, combined, thinking that the joke was carried too far when it came unexpectedly to affect themselves, and it would be scarcely credible if it were not well known that the Legislature felt it consistent with its duty to relieve the parties from the liabilities which were imposed upon them by its own act passed only ten years before. And even then, so indisputable was the claim to penalties considered—created as that claim had been by the Legislature itself, that although the actions were suspended and ultimately discontinued, the informer was not deprived of his vested interest in the penalties. The present Lord Chancellor, then Sergeant Copley, pleaded the cause of the informer, and that successfully, although the individual was known to have acted from no regard for the execution of the law, but solely with a view to extort money for his own profit. He (Mr. Gibson) said the case was not in a position for *ex post facto* Legislation. The House should pledge itself to revise the gaming laws before it discontinued these actions. It had given the country no pledge that it would not continue these penalties. All that was proposed to be done was to relieve from the operation of a law which was constantly in operation certain powerful individuals, who, of all others, were the least entitled to plead ignorance of its existence, inasmuch as they themselves as Legislators assisted in the framing of the laws. Where was the guarantee that the House was desirous to remove obsolete and antiquated laws from the statute-book? The reports of the inspectors of prisons stated that magistrates were in the habit of resuscitating old statutes for the purpose of coercion; and the House did not repeal those statutes or indemnify those who had violated them. The report of the inspectors of prisons for the northern and eastern district of Lancashire mentioned the case of an individual who had been imprisoned for ten weeks, having been summarily convicted before two magistrates for having neglected to attend divine worship on a Sunday, without a reasonable excuse, and adjuged to pay a fine of 1*s*., and 14*s*. costs, or in default to be imprisoned. This case had been brought forward by the hon. Member for Pomfret, and yet no bill had been brought in to remedy the evil. There were other parties who had been confined for non-attendance at Church, one for sixty-three days, another for sixty-one days, another sixteen days, another twelve, another seventeen, another two, another sixteen, another twenty-six, another three, another twenty-seven, and another for three days, and when these people were released, it was not on the ground of their having been imprisoned for a long period—no, there was no leniency shown; it was on payment of the fine and costs. It was

believed in the country that the spirit of Legislation in Parliament was to legislate for themselves, and that there was no activity in either House, unless something took place which affected the interests of the Members themselves. They were told that a general sanction of persons of all classes to a practice repealed the law against the practice, although it might be illegal. What were they doing in Ireland? He considered that in the prosecutions in Ireland the Government were proceeding under an obsolete statute, or at least in a way which the people had not been prepared to expect. The people had been in the habit of attending at public meetings which were sanctioned by the presence of all parties—the high and the low—the Peer as well as the artisan—Legislators and Ministers of State, subscribing to public associations, and on a sudden advantage was taken of an obsolete and antiquated statute to put a stop to such proceedings. The case of these parties was similar. The great injustice of the proceedings in Ireland was, that the people were told that although the conduct which they pursued had been sanctioned by the countenance of their superiors and their rulers, they should now be held amenable to some law about which—like this one—there was considerable doubt. Did the Government dare to prosecute the Anti-Corn-law League, although they called it a conspiracy—or the League to which a Cabinet Minister had subscribed a hundred guineas. They did not administer the law in such a manner as to leave the world to suppose that it was framed with a view to equality of its application to all classes of Her Majesty's subjects. He should press his amendment to a division, because the decision for or against a committee to revise the gaming-laws would show how far the Members of that House were in earnest, and whether they desired to abolish penalties upon every description of gambling, whether on sports or cards, or only upon those descriptions in which their own class was concerned. He had been requested by different parties for whom he had the highest esteem to take two opposite courses, but he should adopt that which his conscience declared to be right, without reference to the object of pleasing one section or another of his constituents. He presumed that this was a Cabinet question, that the act of Parliament had undergone revision and received the consideration of the Government. It had received the countenance of the House of Lords. No Minister of the Crown had objected to its passing into a law, and he thought the House was entitled—in a case of such vast importance—for he considered any interference with proceedings in a court of law to be of importance—the House was entitled to have the deliberate opinion, not only of the Prime Minister (if he were present), but of the law-officers of the Crown, as to the propriety of this proceeding. If this specimen of *ex post facto* legislation were to pass into a law, the Ministers of the Crown were bound to take upon their own shoulders the responsibility of voting either in favour of or against the bill. The right hon. Gentleman at the head of the Government guided his party; they followed him in the most docile manner; he could make this bill law, or throw it out, by his own individual influence; and being placed in a situation of such vast importance and responsibility, he should be sorry to think that the right hon. Gentleman would shrink from the performance of his duty from an unwillingness to offend the prejudices of his friends. He regretted that he did not see present some Gentlemen who seemed to arrogate to themselves the exclusive guardianship of the religion and morality of the country. It was a remarkable coincidence that they should be absent on an occasion when their services were so much required, especially when their opinions might be in opposition to those of the Gentlemen by whom they were surrounded. Such coincidences happened to all—they had happened to himself sometimes, but still he said the country ought to have notice how Gentlemen voted on this question. The hon. Gentleman concluded by moving as an amendment,

"That a Select Committee be appointed to inquire into the existing statutes against gaming of every kind and into the penalties enacted by them, and whether the same, or any, and what part of those statutes have fallen into desuetude, or ought to be repealed."

Lord *J. Manners* said, that he thought those who willingly transgressed the law ought to suffer the penalties of the law, but in the present case the offences had been committed unwittingly, and without a knowledge that they were against the

law. The hon. and gallant Member for Lincoln would have been considerably astonished some time ago, when the hon. Member for Cork proved, not only to his satisfaction but to the amusement of the whole House, that by a statute still unrepealed, the hon. and gallant Member was an Irishman, and ought to be punished accordingly. He would have been astonished if an action had been brought against him on the ground that that law was not repealed. He admitted that the law was very anomalous in many respects, and that some amendment was required, but he trusted the House would not accede to the proposition of the hon. Member, because the task to be imposed was so great that nothing short of a Justinian and Napoleon combined could perform it. But were they to wait until this could be done! No; let every individual case in which the hardship and injustice could be proved be remedied. He yielded to no one in a wish to see those laws abrogated which pressed unequally upon the poor and the rich, and he would do his utmost to rectify such a wrong. The hon. Member had alluded to the case of imprisonment for non-attendance at divine service, which case was brought prominently forward some time ago by the hon. Member for Pontefract. Now he begged the House to recollect that that law was but a remnant of what was a wise and consistent piece of legislation, however opposed it might be to the feelings of the day; and that the most beautiful and best part of it was abrogated, not by the ancestors of those whom the hon. Gentleman called the majority, but by his own political ancestors. He would with the greatest pleasure support the bill.

Captain *F. F. Berkeley* entreated the House to pause before legislating with respect to gambling transactions, lest, by implication, it might be supposed that the House was about to protect these transactions. Of all the gambling transactions of the present day there were none, in his opinion, more mischievous, more dishonest, or in which there was greater cheating than those connected with the present system of horse-racing. It was the system of book-making which engendered most of the evils; and it was the consequence of that system that led, not more than twenty-five years ago, to a man being hung, for poisoning horses. Sooner than lend himself in any way to the continuance of that system, he would vote for the amendment of the hon. Member behind him. It was a very common saying among those connected with the turf, that unless a man went on the turf determined to be a rogue he must be a fool. Under the old system there was not the same dishonesty. He was sorry to perceive, that while the schedule attached to the end of the bill related to the sports of the rich and powerful, it did not make any allusion to the sports of the poor. It was unfair to introduce this portion as a manly sports' bill; it was no such thing; and if it was not against the rules of the House, he would now move that the Debate be Adjourned, in order that the House might proceed with the Adjourned Debate on Ireland.

Mr. *Milnes* hoped, that the hon. Gentlemen opposite, and the House would keep clearly before them the question at issue. No man could wish to see the Noblemen and Gentlemen against whom these actions were brought, convicted in the enormous penalties they might be liable to under the act. Why not pass a bill for the distinct purpose of relieving them? And why not at the same time show their respect for the hon. Gentleman who moved the amendment by granting a select committee to inquire into these matters under the superintendence and judgment of that hon. Member?

Mr. *V. Smith* could not agree with the hon. Gentleman in considering this as a question relating merely to what he called certain vexatious and improper proceedings in a court of law. They had to consider whether it were a question for the House to entertain, and whether it were properly, speaking, a question which affected the public morality, and whether they had any proof of what was stated in the preamble of the bill. If the hon. Gentleman opposite had asked him at any club his opinion on this question, he very likely would have told him that he should be sorry if the enormous penalties were exacted; but when a bill was brought before the House of Commons, in order that certain gentlemen should be relieved from the consequences of a breach of the law, he thought they ought to consider whether it was a question which the House could entertain. He did not think it was. There might be some benefit in horse-racing in regard to preserving an excellent breed of horses in the country; but he

was sure no man could say that the system of betting was at all conducive to public morality. They were now called on to legislate on the simple assertion of the hon. Gentleman opposite, that certain persons had offended against the law; but it was not for the House of Commons to decide on the mere assertion of an hon. Member, that these parties were innocent of the crime committed. The other House had referred the question to a committee, and had proceeded on its report. Why had not that report been laid on the Table of that House; or why should they not follow the example of the other House, and refer the whole question to a committee? It was quite unparliamentary to proceed with the bill under present circumstances, as there was no proof offered in support of the preamble of the bill.

Colonel *Peel* was prepared to state, that the parties against whom the actions were brought were perfectly unconscious of having transgressed the laws. The House ought to bear in mind that betting was only illegal, according to the act of Anne, when the bets were taken on an illegal subject.

Mr. *Hume* was surprised, that the right hon. Gentlemen opposite, who were always inclined to pass acts of Parliament to promote morality, should seek to relieve the parties in the present case from the penalties which they had incurred by infringing the law of the land. It appeared that betting on horse races had increased to an enormous extent, and he had moved for a return, which he had no doubt would show the gross immorality engendered by the system of betting on horse races. He had been told that many noblemen and gentlemen had been guilty of acts arising out of betting which would disgrace any class of society. He did not believe it, but it appeared that the parties who had brought these actions were prepared to prove it. He trusted the House would not pass this bill, which would annul the actions altogether. A better plan would be to adopt the course pursued in 1818, and suspend the actions for three months. The present bill gave power to every individual against whom a similar action might be brought to call on the judge to dismiss the action on payment of the costs. If the House should agree to this bill, they would release the parties from the penalties they had incurred, and they would hear nothing more about any remedy for the evils involved in the system of betting. The Government ought to state its opinion on this subject, and he felt glad that the hon. Member for Gloucester had moved the adjournment of this debate, as this would afford an opportunity to the right hon. Baronet at the head of the Government, who, he regretted to say, was not now in the House, to state his opinion on the subject. The law made certain acts criminal, and he thought it a monstrous thing for any man—much more for any man who had a share in making the laws—to seek to escape from the penalties imposed by the law on the commission of such acts. The eyes of the country were upon them; an impression prevailed, that in that House they legislated for a class only; and they should take care how they did anything that might confirm that impression. In conclusion, he begged to say, that he entirely agreed in the observations of his hon. Friend, who had so ably brought forward the amendment.

The *Attorney-General* had a few observations to offer to the House. If the hon. Gentleman, the Member for Montrose, had looked into the clauses of the bill, he would see that it made express provision to meet the point to which he had adverted. The bill expressly provided that the operation of the act should not extend beyond the space of three months from the period of its passing, and that nothing contained in it could apply to any proceedings that might take place after the lapse of that time. Although the bill would put a stop to the present actions, there was nothing in it to prevent similar actions from being brought hereafter unless Parliament should think fit to pass some general law upon the subject. He should, therefore, certainly vote for the bill. He believed, that it would effect the object which the hon. Member for Montrose had in view—namely, that of suspending the present proceedings; and if the hon. Gentleman should think fit, when the bill went into Committee, to move the substitution of the word "suspend" for the word "discontinue," it would be perfectly open to him to take that course. He should not deal fairly with the House if he did not add another observation. He agreed in much of what had fallen from the hon. Member for Manchester, respecting the practice of gambling, and the present state of the

law as regarded that practice. But he did not propose to go with the hon. Member into the discussion of obsolete acts, or acts which oppressed the poor, or into the Irish debate, or into the question of the excise and customs. He was, however, willing to assist the hon. Member at any time, either in public or in private, to get rid of any obsolete act, or of any act obsolete or not, that pressed upon the poor. And he could say with the noble Lord the Member for Newark, that the observations of the hon. Gentleman upon that subject did not apply to him. He had taken every occasion of showing that from those observations of the hon. Gentleman he did not dissent. But he should also say, that it had become a sort of established practice in Parliament, whether right or wrong, that whenever a law had slept, or had, if recently introduced, been misunderstood,—whenever any parties had, by their ignorance of such laws exposed themselves to penalties,—whenever it could be fairly inferred that those parties had, without any fault of theirs, been misled,—it had been the practice of the House to interpose and to afford them relief. That had been done in many instances. He had himself felt it his duty to introduce, two years ago, a bill exempting parties from the penalties to which they had exposed themselves by having unintentionally sinned against the Municipal Regulations Bill. Now, when he found such a practice established, he should not hesitate to carry it out, without any reference to his opinions as to the particular practice to which the law might apply. It had been said, however, that it was doubtful whether those parties were or were not liable to the parties sought to be recovered, and an hon. Gentleman had asked why they should not in that case let the law take its course. But was there any sane man who would wish to go to law with a doubt about a sum of 500,000*l.*? In conclusion, he had only to express a hope that the House would allow the present measure to pass into a law, and he should hereafter be ready to consider the whole subject.

Mr. *C. Berkeley* said, that the only fault he found with the bill was, that it did not go far enough. He thought, that they should not endeavour to legalise the sports of the rich only, but that they should extend the same favour to the poor. He should, therefore, give notice, that in the Committee on the bill, he would move that it should extend to the 6th William 4th, chap. 59.

The Motion to adjourn the debate having been withdrawn, the House divided on the question that the words proposed to be left out stand part of the question: —Ayes 112; Noes 25: Majority 87.

List of the Ayes.

Ackers, J.	Granger, T. C.
Alford, Lord	Gregory, W. H.
Allix, J. P.	Hamilton, J.
Antrobus, E.	Herbert, hon. S.
Archdall, Capt.	Hinde, J. H.
Arundell and Surrey, Earl of	Hodgson, R.
	Hope, G. W.
Baillie, Col.	Hornby, J.
Baird, W.	Hussey, A.
Baring, F. T.	Hutt, W.
Barnard, E. G.	Irving, J.
Barrington, Lord	Jermyn, Earl
Beresford, Major	Knatchbull, Sir E.
Berkeley, hon. C.	Langston, J. H.
Berkeley, hon. G.	Leveson, Lord
Boldero, H.	Lincoln, Earl of
Borthwick, P.	Lindsay, H. H.
Bradshaw, J.	Lockhart, W.
Bramston, T.	Mackenzie, W.
Broadley, H.	Macnamara, W.
Bruges, W. H. L.	M'Neill, D.
Buckley, E.	Manners, Lord
Buller, C.	Milnes, R. M.
Burrell, Sir C.	Morris, D.
Butler, hon. Col.	Mundy, E. M.
Butler, P. S.	Murphy, F. S.
Cochrane, A.	Murray, A.
Colborne, hon. W.	Nicholl, J.
Collett, W. R.	Northland, Lord
Coote, Sir C. H.	Oswald, A.
Cripps, W.	Pakington, J. S.
Darby, G.	Palmerston, Visct.
Disraeli, B.	Pigot, Sir R.
Dodd, G.	Pollock, Sir F.
Dundas, F.	Power, J.
Eaton, R.	Pringle, A.
Eliot, Lord	Repton, G. W.
Etwall, R.	Ross, D. R.
Evans, W.	Rushbrooke, R.
Ferguson, Col.	Scott, hon. F.
Ferguson, Sir R.	Seymour, Sir H.
Ferrand, W. B.	Shelburne, Earl
Flower, Sir J.	Somerset, Lord
Forester, hon. G.	Stanton, W. H.
Forster, M.	Stewart, J.
Fox, S. L.	Stuart, W. V.
Fuller, A. E.	Stuart, H.
Gaskell, J. Milnes	Strickland, Sir G.
Gisborne, T.	Sutton, hon. H.
Gladstone, W. E.	Thesiger, F.
Gore, M.	Tollemache, J.
Gore, W. R. O.	Trench, Sir F.
Gore, hon. R.	Waddington, H.
Goulburn, H.	Walker, R.
Graham, Sir J.	Wall, C. B.

Wortley, hon. J.	TELLERS.
Yorke, hon. E.	Wortley, J. S.
Young, J.	Peel, Col.

List of the NOES.

Berkeley, Capt.	Philips, M.
Blewitt, R. J.	Philpots, J.
Brocklehurst, J.	Plumridge, J.
Brotherton, J.	Scholefield, J.
Busfield, W.	Smith, B.
Childers, J. W.	Stansfield, W. R.
Clements, Lord	Thornely, T.
Duncan, G.	Trelawny, J. S.
Gill, T.	Turner, E.
Hawes, B.	Villiers, hon. C.
Hindley, C.	Wawn, J. T.
Hume, J.	TELLERS.
Marsland, H.	Gibson, M.
Mitchell, T. A.	Pechell, Capt.

On the question that the Bill be now read a second time,

Captain *Pechell* inquired whether any intention existed of repealing other obsolete statutes?

Sir *J. Graham* could not answer that question, which had no connection with the present bill. As he was on his legs, perhaps the hon. Member for Manchester would allow him to inform him, with respect to the fines imposed for non-attendance on Divine Service, that the Government, in the Ecclesiastical Courts Bill proposed by them last Session, which unfortunately did not become law, introduced a clause respecting the statute alluded to by the hon. Member. The bill introduced into the other House, in the preparation of which he (Sir J. Graham) had participated, also contained a clause respecting the statute in question.

Mr. *M. Gibson* did not understand that any pledge had been given, that these gentlemen should come under the operation of the bill. He wished for a distinct answer on this point. What had the informer done to forfeit his right of action or his claim to the penalties? He wanted to know whether the informer was to be saddled with all the expenses of this action? He was aware that the bill gave the informer what the lawyers call the costs out of pocket; but that was only a small item in the expenditure. It was, in fact, a speculation on the part of the informer, for the purpose of getting a portion of the penalties, in order to obtain which he was compelled to incur divers expenses. Were they to have any evidence called in this action? Wright was heard by counsel at the bar. He laid his gains at 8,000*l.* They had no right to take the character of the man into consideration. Wright's information was for the commission of an act which was less a violation of the law of the land than the present acts. He protested against being deterred by class feeling from doing even-handed justice. He insisted on three pledges—first, that a committee should be appointed; secondly, that this action should only be suspended; thirdly, that the parties should not be allowed to escape in the interval between the new law and the old. He did not think they were dealing with the question in a just and proper manner, and until he heard something further he should feel it his duty to move that they should hear evidence on this Bill before they dealt with the pecuniary interests of parties not before them.

Sir *J. Graham* confessed that he had had some difficulty in making up his mind as to the course to be pursued. He thought there would be considerable hardship in absolutely discontinuing this action on the simple payment of the costs out of pocket. In his opinion the best course was that which had been suggested, namely, instead of discontinuing the action, to suspend it in the position in which it now stood, pending the inquiry about to be instituted. He certainly had understood his hon. and learned Friend the Attorney-general to say that if this Bill should be read a second time, it would be quite open for any hon. Member to propose in Committee the suspension of the actions. Should such a proposition be made it should have his support.

Mr. *S. Wortley*, in common with the Attorney-general, understood the Bill to stop the action for three months, leaving the parties at the expiration of that period at liberty to pursue their own course. Should, however, any doubt exist on the subject, he should have no objection to concur in a resolution for suspending the action.

Bill read a second time, and ordered to be committed.

STATE OF IRELAND—ADJOURNED DEBATE.] The Order of the Day for the adjourned Debate on the state of Ireland having been read,

Lord *Leveson* observed that the able and comprehensive manner in which the noble Lord the Member for London had treated this subject last night could not fail of having a useful effect not only in Ireland,

but in this country. He lamented much to hear the right hon. Baronet, who spoke afterwards, declare that he never could agree with the noble Lord in his views as to the principles upon which the Government of Ireland should be conducted, because he firmly believed that they were the only principles by which the Legislature could hope to give peace to Ireland, or security to this country. He had not had much experience in the House, but within his time he had seen such wonderful changes of opinion amongst public men, and such wonderful interruptions of old acquaintances and confidence, and such wonderful formation of new ones, that it would give him less surprise than pleasure were he yet to see the right hon. Baronet come over to this side of the House in support of the principle of a liberal Government in Ireland. Under the present system, the tranquillity of Ireland was only preserved by the presence of a large military force, and he hoped that the House would be able to convince the Government that whatever remedial measures they could apply to the grievances of Ireland, unless they redressed all those grievances by a bold and wide course of policy, they would never be able to dispense with the presence of that military force. The right hon. Baronet went into a long discussion in reference to the late prosecution, as to the admissibility or non-admissibility of certain jurors; but, for his part, he thought that this was not the important point to which they should direct their attention,—but rather what the effect of all these proceedings would naturally be on the minds of the Irish people. It was of the first importance to the public estimation in which a Government should be held, that all their acts should be characterized by perfect impartiality. But was there any pretence of this principle in the present Government of Ireland? In the first place, was it not notorious that all the patronage of the Government was bestowed upon a small minority in the State. Then, had not the spectacle been exhibited to the Irish people of the man who had secured their affection and their confidence by a long course of talented and devoted service, brought to trial for alleged offences in the cause of that people against the Government of this country, to be judged by a Protestant Judge, prosecuted by a Protestant Attorney-general and a Protestant Solicitor-general, and before a jury scrupulously composed, according to the words of the old penal statute, "of known Protestant jurors?" Who could say that the same advantages were afforded to the traversers in this case as would have been afforded to a Protestant Orangeman under parallel circumstances? In the next place he regretted much to hear the right hon. Baronet declare that he could not accede to the noble Lord's proposition to give increased means of education to the people of Ireland—[Sir *J. Graham*: "No, no."] He should be sorry to misinterpret the right hon. Baronet, but he certainly thought he understood him to say that he was determined to leave the Church as it stood. [Sir *J. Graham*: "Yes."] He was sorry to hear it, for he must say that the principle on which the Irish Church was established was erroneous, and he believed that the cause why that institution had not prospered as a national Church was mainly attributable to Government protection, and he was further of opinion that all similar attempts founded on exaggerated notions of the power of human government over conscience would inevitably fail. As to civil liberty, it was admitted not only here, but in foreign countries, that we enjoyed its fullest advantages, but we had no right to claim an equal station with France or Northern Germany as to religious freedom, as long as the State, with large funds at its disposal, refused to do anything for the religious education of eight millions of its subjects. With regard to the verdict, intelligence of which had arrived on the previous day, if the Government conceived they would gather strength from that verdict, if they thought they would gather strength from the sullen discontent of the whole Roman Catholic population of Ireland and the triumph of the Orange party, they would be disappointed. He hoped, however, that whatever might be the result of the division, the tone of the debate upon the question then before them would convince the Ministers of the necessity of returning to those principles which they professed on entering office, and that complete impartiality would be observed for the future in administering the affairs of Ireland. If, however, they determined to take a different course, he would warn them in words far more powerful than any he could command—in the words of Henry Brougham, now Lord Brougham, he would say to them,

"Beware how you convert discontent into rage, and how you arm rage with new weapons. On you the responsibility must rest of such misguided and deluded conduct. You

alone are responsible if the present Ireland be torn from the present country."

Mr. *Bailie Cochrane* remarked, that it had been stated in 1839, by the right hon. Baronet (Sir Robert Peel), on taking office, that the greatest difficulty of the Government would be Ireland; and he was sorry to say, that since the present Ministry had been in power, everything had occurred to fulfil that prediction. All other questions were of trifling importance, as compared with that. The Corn-law League agitation, the moment the right hon. Baronet had come boldly forward, and declared his determination to uphold the Corn-laws, that moment that agitation had declined — Ireland alone was the difficulty. No measure could be brought forward, no proposition could be made in reference to that country which was not made the ground of party strife and opposition. For three centuries there had been a contest of classes and creeds carried on in Ireland; was it not extraordinary, that in a country with natural resources unsurpassed and almost unequalled — with a people remarkable for their industry, their patience under the most severe suffering, their forbearance, and for all the social virtues, the feuds and prejudices of centuries should be perpetuated? Many causes had been assigned for this anomalous state of things; but he could not agree with those who considered the great evil of Ireland to be either the Church Establishment, the state of the Suffrage, or the Legislative Union. He did not believe, that the people themselves believed, that to either of these causes, the difficulties of the country were to be attributed. Take the Repeal of the Union. In the Parliament that followed the Union, not a single Member forfeited his seat for having voted for that act, and, except in the county of Dublin, no Member thought it worth while to appeal to the people on account of the vote he had given. Then, as to the Church Establishment. They had it on the evidence of Mr. O'Connell himself, that that was not the great difficulty. Mr. O'Connell had said, in his evidence before a Commission of the Lords, that if they removed the causes of the distress of the country, the question of the clergy or the Union would cease to be of importance. He believed the great cause of discontent in Ireland was the distress of the people, and under the pressure of their sufferings, they were ready to take up any question, either the Clergy or the Union, which could be made a fruitful subject of agitation. With regard to the proposition of a state provision for the Roman Catholic clergy, it was now a received opinion, that if such a provision were offered, it would be refused. This had been declared by the clergy themselves. But he (Mr. B. Cochrane) did not see how, except by a provision from the State, in a country in which the Protestant religion was established, they could do anything to help the Roman Catholic clergy. This was the only course, unless they prepared to give way on every single point as to the Roman Catholics and to uphold no State religion in Ireland. While he expressed this opinion, he would not only tolerate, but do all he could to educate and give equality to the Roman Catholic clergy. Mr. O'Connell had more than once asserted, that the Roman Catholic clergy should have a State provision; and that if that were given, and a superior class of persons educated for the clergy, much of the evil and discord which prevailed in the country would cease. He was justified, therefore, in the opinion, that neither the Church Establishment nor the Union was the cause of the difficulties of the Irish Government. His opinion was, that the principle causes of the distress of Ireland, and consequently the great evils under which the country laboured, were the constant changes and breaking up of property in Ireland—the subdivision of the land into small holdings—the uncertainty of tenure—and lastly, there was the evil of absenteeism; and, he believed, that until measures were adopted to remedy those evils, and to improve the social condition of the people, that agitation, and those outrages, which were now charged against Ireland would at all times prevail. The question, then, was—what was the remedy? It would be presumption in him, to speculate upon what might be the result of the Landlords and Tenants' Commission, but he hoped they would bring forward some plan by which the social condition of the people might be ameliorated. With regard to the tenure of land and the subdivision of the soil, the evils of the existing system had been pointed out in the report of the railway commission of 1836; and the com-

mission on the bog and waste lands, which sat in 1812, pointed out the manner in which those lands might be brought into cultivation for the benefit of the people. It appeared that the bog lands in Ireland amounted to 3,000,000 acres, and with the mountain lands made up 5,000,000 acres, and it was impossible to say to what extent those lands might be made available to the public benefit. In the province of Ulster the allotment principle had been acted upon with great advantage and it was a question worthy of consideration whether that principle might not well be more extensively applied. Again, absenteeism was an evil which required some remedy. The income-tax had been levied with the view of preventing the practice, but the tax was by no means an equivalent for non-residence. Another suggestion he would throw out for consideration in reference to the office of Lord-lieutenant. He thought it was productive of great inconvenience in the country, that that officer, who represented the person of the Sovereign in Ireland, should be changed with every change of Government. It might be well to make the appointment to the office of Chief Secretary dependent on the Minister of the Crown, but not that of the Lord-lieutenant. It was to be regretted that a Lord-lieutenant, beloved by the country and possessing its confidence, like Lord Normanby in recent times, or like the Duke of Rutland in former times, was no sooner known and appretiated by the people than a change of Government took place, and he was removed. The conviction which had recently been obtained against the man who had so long possessed great influence in Ireland had been alluded to. It would ill become him to make at such a time, any rash comments on the course of that hon. and learned Gentleman. It was not a suitable moment, when they had such a conviction to irritate national feelings by indulging in any tirade upon the conduct of the parties convicted. He would merely observe, therefore, that it was a sight to be regretted to see a man of Mr. O'Connell's age standing with his son at the tribunal of justice, and to see them both convicted of a conspiracy against the State. He did not pretend to say that early in life Mr. O'Connell might not "have done the state some service," and that at different periods he might not have been influenced by high aspirations, and great and noble intentions, but that was no excuse for his more recent conduct. Nothing that had occurred in the life of the young man justified the conduct of the old man. They must remember that though Manlius saved the capital, he was afterwards banished from Rome. He trusted and believed that the Irish people would now be disposed to take a different view of those popular questions by which the public mind had been for some time agitated, and that so far at least, the conviction might be of service to the country. He trusted that they would remember the words of Mr. Justice Day:—

"That it was not by wounding their enemies through the sides of the Constitution, nor by trampling on the laws, that they could hope to enlist any sympathy in their favour, or add to the number of their friends."

He trusted the Irish nation would see that it was interested in putting down agitation, and that its true benefit was to be derived from the progress of Education, and that the improvement of their social condition would be the establishment of peace, instead of the discord which had too long prevailed. They had, in his opinion, one duty to discharge, and that was to tolerate, to promote religious liberty, and at the same time being always prepared and energetic in vindicating the law; in a word, in not permitting everything and not forbidding everything, but being on their guard, so that they should always feel with the people and for the people, by strewing flowers in their path which they might gather hereafter in the privileges and blessings that would be bestowed upon them and their descendants. Before he sat down, he wished to notice one point to which the noble Lord the Member for London had referred. He agreed with him that it would be far better if the proclamation had been issued earlier. He was one of those who had ventured, early in last Session, to say something of coercive measures towards Ireland, but he had been met by the keen sarcasm of the noble Lord the Secretary for the Colonies; that was in the month of July. Parliament subsequently broke up, and nobody could imagine what course the Government meant to adopt. The right hon. Gentleman the Secretary for the Home Department had said, that the Government had interfered on account of the meeting at Clontarf, and in consequence of the outward and visible signs of

rebellion that were apparent. Be it so. Now he did not see that in the indictment which was spread over a period of nine months. In his opinion, it would have been a better, a wiser, and a safer course, if the Government had issued their proclamation at an earlier period. He thought in cases of treason and conspiracy there ought to be no mistake or doubt, and then they should have avoided that which had been said with regard to the present case, and have rescued the legal functionaries from anything like the taint of suspicion in the discharge of their duties. If, after all these meetings had been held, it was at length discovered that they were illegal, he might apply to them the words of Strafford, and ask, "Where had all that crime been so long concealed?" The noble Lord had said, that he hoped the right hon. Baronet at the head of the Government intended to legislate for Ireland in a wise and just spirit of conciliation, and he trusted that the right hon. Gentleman would not only legislate in a wise and just spirit, but in a spirit of generosity, and that he would take into consideration the sympathies and affections of that most noble and gallant-hearted nation. Then their future victories would be victories over the affections and sympathies of the Irish people; so that by a constant and lively consideration of their happiness and welfare, peace and good-will, truth and justice. and religion and charity, might be established amongst them.

Lord *Clements* regretted very much the statement that had been made on a former occasion by the right hon. Baronet, the Secretary for the Home Department, that concession had reached its utmost limits. That declaration had gone forth to the Irish people, and had been productive of much discontent and dissatisfaction in that country. The right hon. Baronet had admitted that a military government was an unwholesome one for any country, and he fully agreed with him. But what was there in Ireland at the present moment, but a military government? They saw indefensible barracks fortified which were actually the ridicule of the peasantry of that country. They had an armed constabulary of 9,426 men and 277 officers equipped and drilled in a military manner. In the present day it was very much the habit to introduce the Code Napoleon for the purposes of centralization. Now, he was the decided opponent of that system. He believed, that the great source of liberty in England had always been in the recognition of local government, and the want of the centralization which had been established in France, and had been so destructive of the liberties of the people of that country. He thought there was great danger to be apprehended when he found an armed police, amounting to 9,000 men, all under the command of a single individual, and altogether irresponsible, except to the Minister of the day. That was, to all intents and purposes, a military force, although it was termed a civil force, and he thought such an establishment highly dangerous to the liberties of the country. The charge for that force was excessive, and pressed with great severity upon some of the counties. There were also many abuses connected with the police fund, among which might be reckoned the superannuations to officers, amounting, in some cases, to 900*l.* or 1,000*l.* per annum. The noble Lord referred to the Arms Bill of last Session, and quoted an order issued in the year 1842, by a Mr. Stanley, the secretary of the commissioners of the Dublin police, empowering the police to enter vessels on their arrival, for the purpose of ascertaining whether there were any arms on board. This order, the noble Lord said, was one of a most stringent character, and was quite uncalled for at the time, inasmuch as the importation of arms was then only a misdemeanor. The Government of Ireland, however, thought there was nothing too offensive for that country. He should now read to the House a case of a most distressing nature with regard to the operation of the Arms Bill:—

"John Hall, who was licensed to make and repair fire-arms, in Aungier-street, Dublin, having died in the last month, the Dublin police took charge of his stock in trade, pending the appointment of legal representatives. Letters of administration having been since granted, the administratrix obtained a licence from Government to sell off the stock, and the police authorities have restored it to her for that purpose."

Let hon. Gentlemen opposite put themselves in the situation of the poor widow whose husband was just deceased, when her house was entered by the police for the purpose of taking possession of her deceased husband's stock. [*Laughter.*] He confessed, that he could not conceive there was any matter for laughter in such a case. He, however, saw that the feeling

of the House was contrary to him, and he would not pursue the subject. He really did imagine that it would be viewed by the House as a most distressing case. He did not think, that there was any joke at all in it; but he would not go further in the matter. He would next refer to the case of Colonel Hodder, who was a gentleman of high respectability in the county of Galway, and who had left a gun behind him in Nottingham, to obtain which he applied for a licence. In reply to his application he was furnished with the following letter :—

"*Council Office, Dublin Castle, Sept.* 1843.

"With reference to Colonel Hodder's letter of the 24th inst., which was forwarded to the Secretary, requesting a licence to import a gun from Nottinghamshire, the Clerk of the Council begs leave to inform Colonel Hodder that an Order in Council is necessary for the importation of arms, the fee upon which is 2*l.* 12*s.* 6*d.* On the receipt of this amount, Colonel Hodder's application will be submitted to the Lord-lieutenant in Council."

He had also to complain of the circumstance of no proclamation having been issued in reference to the carrying into operation of the Arms Bill. He now wished to call the attention of the Government to the laws regarding distraint in Ireland, from which more hardship, he thought, arose, than even from ejectments. To mention but one instance out of many: —A few months ago he met a bailiff driving away cattle that were worth 25*l.*, which were distrained from a poor tenant, who only owed 3*l.* Such practices as these were no doubt likely to lead to breaches of the peace, and, perhaps, ultimately, to transportation or other punishments. The system of conacre in Ireland was one fraught with the most dreadful hardship. In the quarter sessions of his own country he saw 40*l.* worth distrained for a debt of 4*l.*, which arose out of this conacre system. He thought it would be very much for the advantage of the poor of Ireland, if gentlemen having estates in that country would give their attention to this matter of conacre. The whole system was full of mischief; it created constant disputes—constant actions at law; and was one of the most fruitful sources of discontent in that unhappy country. But when he spoke of discontent and poverty, he did not wish the House to suppose that he spoke solely of the Roman Catholic population. He believed, that no people were more to be watched over, or were at present in greater poverty and discontent than the poor Protestants of Ireland, and he wished to bring their case before the House. He regretted, that neither last year, nor during the present debate, had their cause been advocated. The Protestants were, in many instances, worse off than their Roman Catholic fellow-subjects, and not only was their distress as great or greater, but, he believed, that their discontent was fully equal. He begged to say, that he entirely sympathized with their feelings. Their reverses were excessive; they had fallen from comparative affluence and luxury to poverty, and, in some instances, starvation. Such were the effects of the law—such were the effects of that bad system, which former generations had thought proper to establish. Where were the middle-men of Ireland? In wretchedness and misery, unable to turn their hands to labour, too proud to work in their own country—if they had not the means to emigrate, they were destitute, and, in some instances, starving. He had witnessed amongst these people the most appalling distress, of which he would mention only two instances. It was only the other day that a respectable person said to him,

"There is my cottage, which is all I have left. I am an old man on the verge of the grave. It does not signify. There was a day when the whole of this and the adjoining townland was in my possession, at a less rent than is now paid to the county cess per acre."

The other instance was that of a gentleman with whom he had sat as grand juror, who was now in that degree of poverty that his wife, who had been accustomed to the luxuries of a lady, was now obliged to milk her cow. He would now refer to another matter. In the parish in which he lived, there were nearly 41,516 acres, with a population of 21,225. The total value of the houses, deducting one-third for repairs, and including the market town, was 221*l.* 18*s.* That would show the House that it was not one enactment only which would relieve the misery of a country so circumstanced, or one bill which it might please Her Majesty's Government to bring forward; but it must be a watchful anxiety to improve the means and to employ the industry of that noble country. He saw no prospect of any such change. With the single exception of the improve-

ment of the navigation of the Shannon he saw nothing undertaken. That he hailed as a boon. But was it so considered in the county which he represented? It was not. They thought that the country ought to have paid the whole of the expences out of the public purse. He did not go with them. He voted for that improvement bill; he took it, even in that form, as a boon; and in that form he still regarded it. Unless Her Majesty's Government were prepared to meet the distress of the poor in Ireland, so as to afford assistance to the people, their legislation went as nought. The people were in that condition that they were neither clad, nor had they the means of supporting their existence. It was only last Friday, whilst he was in the town in which he resided, that a medical officer came and begged for a family, whom he had just left, who had not so much as a blanket to cover them, or a loaf to eat. He never knew people more anxious for employment than the people of Ireland. Their good conduct was exemplary; they were, without exception, under the circumstances in which they were placed, the most exemplary peasantry in the world. They were anxious for education, and unless Her Majesty's Government were prepared to adopt the hint given by the hon. Member for Waterford last night, and to establish colleges for the gentry and middle classes in Ireland, those who were now studying in the national schools would soon outstrip those who, at present, considered themselves their superiors. With regard to ecclesiastical matters, that was a subject with which he wished to deal as little as possible; but, on that point, he might be allowed to refer to the destitution of the Protestant population. In his own parish, the parish of Cloone, there were a considerable number of Protestants. He held in his hand a letter from a clergyman of the Established Church, in which he said, that there were 200 Protestant families, of whom a considerable number had to walk six or seven miles to their parish church. The person who acted as schoolmaster, having been refused any kind of assistance, had at length retired. The population of Cloone is 21,225, and the annual valuation of the houses they occupy, according to the Government valuation, only amounts to 221*l.* 18*s.*, including a market town; and this parish, consisting of no less than 41,516 acres, of which the inhabitants were so much in need had received no assistance from the Ecclesiastical Commissioners. Was it proper that those who paid tithes should receive nothing in return? He had conversed with gentlemen, lay and clerical, out of the House, and he had not yet heard a single syllable in favour of an ecclesiastical commission. He could not believe anything more monstrous than that the funds should go into the hands of persons to be misused, and that a congregation should be in distant parts of the country paying tithes to the Established Church, and yet at the same time receiving no benefit therefrom. The Rector in this parish was an absentee, and in the next parish the Rector was also an absentee. The Curates who did the duty were most exemplary men, but it was impossible that these gentlemen, exemplary as they might be, could render those services to their parishioners which the Rector would be bound to do. He thought it was the duty of Her Majesty's Government to look into this matter, to see that the funds in the hands of the Ecclesiastical Commissioners were turned to a proper account, and also to see that these Commissioners made the most of the estates entrusted to their charge. He had for two or three years been complaining of the hardships to which the poor people, who looked to him to represent their grievances, were subjected. He felt bound to do that, but he did not conceive that he was bound to travel out of his own district. He thought that if the Government were sincere in their desire to benefit Ireland, they would do infinitely more by attending to the physical and moral wants of the population of the country than by enforcing prosecutions, or endeavouring to allay a feeling which it was as impossible to stem as it was to stop the current of that river which flowed by this House.

Mr. *Young* trusted to be able to show, before he concluded, that the professions of kindness and regard towards Ireland, made on various occasions by Ministers, were not mere empty words, but that they had been adhered to, and carried into effect, and that not without some loss of popularity on the part of the Government. The noble Lord who had just sat down, had complained of the provisions of the Arms Bill; and he would direct his attention to that subject before referring to the question immediately under the

consideration of the House. The grounds on which it was deemed necessary to introduce that measure had been fully explained in the course of the last Session to the satisfaction of the majority of the House, including many hon. Members belonging to the Opposition. One of the grievances in that law of which the noble Lord more particularly complained was the regulation respecting the importation of arms; but the noble Lord appeared to forget that that provision had been in force throughout the long period during which the late Government remained in office, without any attempt having been made to alter it; and the cases of grievance such as that adduced in the present instance, were of extremely unfrequent occurrence. The utility of the present law was doubted by the noble Lord; but what were the facts? During the entire period that the late act remained in force, there had not been more than 10,000 stand of arms registered, whereas, in the comparatively short period which elapsed since the present law came into operation, there had been no less than 120,000 notices served for the registry of arms. He considered that fact alone a full vindication of the necessity of the provisions introduced into the measure by the present Government. He would not detain the House by following the noble Lord through the scarcely relevant arguments which he had used in the greater part of his speech. The gist of his arguments, as well as of all others who had spoken on the same side, was to shew, not that Her Majesty's Ministers had neglected the interests of Ireland, or committed this or the other error; but that there was in them, and the party who supported them, on the one hand a despotism so unfavourable, a mind so hostile to Ireland, and on the other hand in the people of Ireland so keen a sense of this hostility, that it was impossible they could carry on the affairs of that country with credit or success. This House was called upon, under these circumstances, to appoint a committee of inquiry into the affairs of Ireland, or, in other words, to divest Her Majesty's Ministers of the control of Irish affairs. This demand was made mainly upon the assumption that the persons to be appointed upon that committee, the noble Member for London and his colleagues—were especially the friends of the Irish people, and were so recognized by that people. If they were to take Mr. O'Connell as the mouthpiece of the people of Ireland, they must remember that he had disclaimed the friendship and alliance of the party opposite in as strong and emphatic terms as he had ever applied to Ministers or their supporters. The question connected with the affairs of Ireland, on which the most marked difference of opinion existed between hon. Gentlemen in that House, was the mode of dealing with the Protestant Establishment in Ireland. This was the line of separation between parties. Hon. Gentlemen on the other side were prepared either entirely to destroy or materially to impair the efficiency of that Establishment; and surprise, if not indignation, had been expressed by the hon. Member for Waterford at the announcement, that with regard to "the Church, concession had reached its limits." For his own part, he could not conceive any leader of the Conservative party, any statesman who for a series of years had accepted support from the Protestant constituencies of the empire, could without dishonour to himself, and ruin to the party and the opinions he professed to uphold as interwoven with all the best interests of the country, could make any other declaration than that he was determined to maintain inviolate and intact the dignity and possessions of the Established Church. He did not think that the maintenance of that Church in Ireland could be justly regarded as a grievance by the great body of the people of that country. The maintenance of the Church did not press on the people. Church-rates had been wholly abolished; one-fourth of the tithes had been given up, and the remainder were not paid by the people, but by the landlords; and, if tithes were remitted to-morrow, they would go, not into the pocket of the tenant, but into that of the landlord; and it had been demonstrated over and over again, that the possessions of the Church were not too great in proportion either to the extent of territory it had to cover, or the numbers who sought and engaged its ministrations. The grievance, as appeared to him which might be complained of, was, that no regular provision was made for the support of the Roman Catholic religion, and no fixed place in society allotted to its ministers. He was firmly convinced, that if Government adopted and endeavoured to carry out a measure

for making such provision, the result must be their complete discomfiture, and the kindling of a flame in this country which it would not be easy to quench. If that measure was to be entertained, it would only be so, as the result of long and frequent discussion, which might familiarize the minds of the people of England to it, and wear away that vast mass of opposition which prevailed against it. The real question now before the House was this—whether the principles of the party which now possessed a majority in that House, and the policy which Her Majesty's Ministers had pursued with regard to Ireland, would stand the test of reason and of justice, and whether they were consonant with the enlightenment of the age, and the spirit of the British constitution? The question now proposed for consideration was not whether this or that particular grievance existing in Ireland, could be cured by this or that particular remedy. It was true, however, that many evils did exist in that country. Some beyond the reach of the legislature as was admitted on all hands. Numbers of the people were in a state of poverty, which prevented their enjoying any degree of comfort or happiness, and rendered them reckless and prone to outrage —outrage produced insecurity—insecurity repelled from the Irish shores, the capital, the industry, and the enterprise of England, and so made employment scarce and poverty lasting, the cord was complete, in order to break it, the late Ministry adopted various measures, almost utterly reckless, and disposed them to violence and outrage. The two most prominent evils in Ireland, as they found from the evidence of Mr. Drummond, than whom no man had applied greater industry and energy of purpose, to the public business, were these:—first, the combinations, attended with outrage among tradespeople in towns, which had destroyed eight or ten of the most important trades in Dublin including ship-building; and, secondly, the existence of secret societies in the country, whose object was to fix the tenure of land. What were the principle measures which the Whig Government introduced to check these evils? Passing over their measures relating to the Irish Church and the Municipal corporations—which for so long a time engaged the attention of the House, and involved us in a series of party conflicts, but which at length became the subject of compromise, which should at least be gratifying to the so-called Liberal party, as they curtailed the Church of a great proportion of its property, and transferred the whole power and patronage of the Municipal Corporations to their hands — there were four measures specially and immediately directed to the social state of Ireland— the equal administration of justice—the improvements in the constabulary, the Poor-law, and the measure of National Education. In the fair and judicious maintenance of all these measures the noble Lord opposite (Lord J. Russell) had no cause to complain of the present Government. In the administration of justice and the striking juries, no alteration had been made. The rules laid down by M. O'Loghlin, and improved by Mr. Peronet Brady, were not deviated from in the slightest degree. Those able and well-devised alterations which had made the constabulary one of the most efficient and well-ordered corps in Europe, were purchased by the late Government at a large sacrifice of patronage. In that sacrifice they had been at least equalled by the present Government. To some of the improvements which had been effected in that force the noble Lord the Member for Leitrim had taken objection; but he (Mr. Young) believed, that the constabulary were generally regarded in Ireland as an orderly and well-conducted force and the best safeguard of the well-disposed portion of the community. He understood that three counties in Ireland had recently applied that the strength of the constabulary force might be increased. The Poor-law—for whose introduction Ireland was indebted, and ought to be most grateful to the noble Lord (Lord J. Russell)—as a measure, in its principle of purely in-door relief, admirably suited, as a test of destitution and a measure of relief, to the genius and habits of the Irish people, had received a firm and judicious support. It had been maintained and received those amendments which practical experience had suggested. While he accorded to the noble Lord full merit for the original adoption of that measure, he trusted to see it, under the auspices of the present Government, come into general operation, and confer on the country all those vast advantages of which it was capable,— not merely in the direct amount of relief

which it might afford, but indirectly in many ways, by softening down animosities, by bringing together as it did, in the board-rooms, men of different ranks and different opinions, and by affording a nucleus for many useful objects, as it had already done for the agricultural societies which were springing up all over the country under auspices at once practical and enlightened; and which, without the convenient divisions of the country into Poor-law unions, could scarcely have existed at all, and certainly could not have been so generally and evenly spread over the country. The system of National Education, on whose theory such great differences of opinion existed, but which had certainly taken deep root in Ireland, and afforded instruction to vast numbers of children, had received from the present Government no niggard support and countenance; and this had been rendered, let it be recollected, at the cost of some political support, and certainly with the loss of some political popularity. To this list he might add a measure which had originated with the present Government —the Landlord and Tenant Commission, which to say the least had evinced the disposition of Ministers to grapple with the source of those evils in the agricultural districts which had hitherto baffled all cure and produced so much mischief in Ireland. The noble Secretary for Ireland also, the Session before last, passed through the Legislature at great cost of time and labour, two measures which he believed were admitted on all hands to be of great practical advantage, one for the improvement of inland navigation and drainage in Ireland; which had already called large masses of capital into activity in different parts, and another affecting a most important tract of national industry, viz., the general regulation of the fisheries. He believed, that the evils to which he had adverted, as the main causes of the unhappy condition of Ireland—the combinations in towns, and the secret societies which existed in the country—were unconnected with any political objects. The object of the first class of associations was to fix the rate of wages; that of the latter to establish a permanent tenure of land. Although these were not political matters, those who were best acquainted with Ireland had given it as their decided opinion that these evils were liable to be aggravated to a frightful extent by the prevalence of political agitation. The agitation against tithes and for the repeal of the Union had in every instance been accompanied by a resistance to all legal imposts, and an increasing disposition to violate the law; and in one case, the agitation against tithes had proceeded to such a height, that a learned judge declared from the bench that the triumph of that agitation had resulted in the utter prostration of all law. When they saw such results threatened by agitation, it became the duty of Government to watch most anxiously the course of agitation, and to oppose it not only with vigour, but with extreme caution. An imprudent step at the commencement of the agitation, which distracted and demoralized Ireland, might have given its leaders triumph and kindled a flame throughout the country; and on this ground he was glad that the Government had exhibited a forbearance which had been characterised by the noble Lord opposite as supine and unwisely protracted. He was glad, that so long as there appeared any chance of the agitation dying away of itself, and so long as there was any hope that the leaders might confine themselves within any limits, however wide, not wholly incompatible with the public safety, the Government had refrained from interference. He was glad that they had so acted, also, on another ground—because it evinced a desire on their part to afford the people the most full and ample field for proper and fair discussion. But that forbearance must not be carried too far—there were bounds beyond which that interference which in the first instance might have been deemed harsh and premature, became justifiably necessary. When these agitators professed to represent the whole people of Ireland—when they, beyond doubt, assumed the character and usurped the functions of Government — when they openly proclaimed that to them and to them alone were owing the peace and the tranquillity of Ireland—when contributions were levied upon the people—when the law officers of the Crown were set at haughty defiance, — when the effect of numbers, of physical force, of the long array of repeal cavalry, was exultingly appealed to,—and when it was attempted to bring into contempt the constituted tribunals of the country, by nominating judges, not in one or two districts but

throughout Ireland, who received their diploma from the Repeal Association,—when peaceful and unwilling thousands were forced into the ranks by every act of intimidation, and threat of outrage—surely then, interference was necessary. He was instructed by those whom he had the honour to represent, to state in his place in that House that they looked upon the aspect of affairs in Ireland with the most unfeigned alarm, until Government began to take active measures, they dreaded lest the country should be involved in that worst of calamities, a war of the poor against the rich—they saw all interests suffering—and feared lest commerce should die away and industry be superseded. Much had been done of late years, and in many directions improvements had made rapid strides. Great improvement had taken place in the flax and linen trade—the staple of the North of Ireland—that trade no longer fettered or injured by bounties or drawbacks, and desiring no aid from Legislative protection, covered a greater breadth of land, by some thousands of acres, profitably employed more hands and was altogether in a more flourishing state than at any former period—in cattle, of which not only had the number exported greatly increased, but the quality had improved—so that they were now worth from 12 to 20 per cent. per head more than formerly—in the meal and flour trade which had increased eighteen-fold in no very great number of years—and in that which was apparent to every eye, the improved condition of the people with regard to clothing and habitations, especially in the neighbourhood of Dublin, where the men of villas, terraces, and ornamented buildings, proved incontestably the increasing prosperity and wealth of the country. But his constituents believed, that if anything could retard the progress of this improvement it was some expression of violence, some interruption of tranquillity, into which the masses of people seemed likely to be goaded by intemperate and designing leaders. They could imagine nothing more violent or more absurd than to exchange the discussion of practical measures, of which, indeed, different minds might take different views, but which were day by day advancing in the public mind, and becoming of easier solution and adjustment, into a question between the countries, which must array them in irrevocable hostility, and whose event must be to waste and humiliate Ireland, or utterly to destroy the strength and power of the empire. But the apprehensions of those who resided in Ireland arose principally from their view of the parties engaged in this agitation. They knew that the Protestants and Presbyterians were universally and decidedly hostile to the Repeal of the Union; they had good grounds for believing that a vast number of Roman Catholics, nobles, men of landed possessions, the wealthiest and most active among the traders and merchants, and the educated classes generally, shared in similar sentiments. But, on the other hand, they saw enormous masses congregated from time to time,—masses so blended by prejudice and so credulous from ignorance, as to receive with implicit confidence the most palpable absurdities. They saw their passions excited and their feelings misdirected by unscrupulous leaders; they knew not at what moment a spark falling on such inflammable materials might kindle an universal flame,—a flame which the very leaders who had fanned it might not be able, when once it broke forth, to restrain or extinguish. At every Repeal Meeting, at every dinner, there was a numerous attendance of Roman Catholic Clergymen. They were amongst their most active getters-up; they were amongt the most prominent speakers; but had an outbreak actually taken place, did any experience of history, or of the working of human passions, entitle them to hope that their influence, if exerted, would have been sufficient to stay the torrent? Who in the early stages of the French Revolution attached themselves most warmly and disinterestedly to the popular cause? The rural priesthood—the humbler ranks of the Clergy. Who made the first sacrifices on the altar of their country? The Clergy of France. And yet—and let the Roman Catholic Clergy of Ireland think upon the lesson—that very Clergy was the first class whom the revolutionary progress of the popular cause consigned to the dungeon and the scaffold. But could trust be placed upon the political heads of this movement, that they would be able to subdue and moderate the angry passions which they now fomented? True it was, they held out brilliant expectations; they promised that when the Union should be dissolved, peace and good-fellowship and abundance would reign throughout the

land, there would be combined with fixity of tenure perfect respect for the rights of property, and reared upon the ruins of the Protestant Church the altar of free and universal toleration. He would, with the permission of the House, quote from the page of history, a parallel to the speeches of the hon. and learned Gentleman, the opinion expressed on a not very dissimilar occasion by a man who, like Mr. O'Connell, wielded at will the mind of vast masses of people,—whose eloquence and ability were of the highest order, and whose character, though he was led on by events or necessity to crimes and bloodshed, was uncontaminated by the base alloy of lust or avarice. These were the words:—

"The people have by their conduct confounded all their enemies. 80,000 men have been under arms nearly a week, and not one shop has been pillaged, not one drop of blood shed. Their insurrection was spontaneous; the result of an universal moral conviction. The insurrection was a great moral and popular effort, worthy of the enlightened people among whom it arose."

There were the words of Robespiere, and the occasion on which they were made was the insurrectionary movement of Jacobin clubs, which destroyed all that remained of virtue and patriotism in the democracy, and handed over France in fetters to the reign of terror. Such were the reasons which persuaded him that no reliance whatever was to be placed on the assertions of the popular leaders, or their power to maintain public tranquillity in Ireland. He could conceive nothing more prejudicial to the interests of that country than the agitation which had prevailed, and he must say, that the forbearance which had been adopted towards Ireland, combined with the vigour that had been manifested in instituting the law proceedings, and sending a force into that country, had given satisfaction to all men who were peaceably and reasonably inclined. The result of those measures was peace for the present, and of security for the future. The law had furnished us with the one, an irresistible armament assured us of the other. Both combined to give time for the excited temperament of the giddy multitude to cool, to reflect, to be better advised, to calculate the good and evil of peace or war, to measure their means, and to weigh their chances. He still had confidence in the good sense of the people of Ireland, who, when they found that the powers of the constitution, which Mr. O'Connell had so long defied, were exercised and put in force, that they were to be met by a steady and powerful resistance instead of carrying their objects easily by acclamation as it were, he was sure, would see the folly of agitation, and gradually fall off from the ranks of Repeal. He was aware that any encomium on the Government from one holding office under it would be received with some distrust; but he hoped the House would give him credit for having never merged the independent Member in the government officer. The House saw that the course which the Ministers had prescribed for themselves was wise and temperate, and well calculated to develope the resources of Ireland, and to raise the people in the scale of comfort and happiness, and that their conduct throughout, from first to last, had been such as to redeem the pledge which the Prime Minister gave while yet in Opposition, that he would not surrender his own opinions to any party or any set of men, but would walk in the open day and in the direct paths of the constitution. He believed that the Ministers had done so, and they might appeal to the public opinion of the Empire for an acquittal from the charges brought against them by the noble Lord, and that while that, public opinion would honorably free them, it would visit with condemnation the parties who attempted by intimidation, conspiracy, and all the wildest excesses of popular licence, not only to bring into contempt all the courts and constiuted authorities of the land, but even this assembly, specially framed for redressing the grievances of the nation, and in which no question whose foundation was in justice and reason ever yet failed of making progress—public opinion would condemn a course so fraught with evil, nor would it exempt from censure those who, by long and exaggerated recitals of grievances, and by such motions as that before the House gave colour and encouragement to such violent and unworthy proceedings.

Sir *G. Grey*: Whatever difference of opinion may exist as to some of the topics introduced into this debate, whatever difference of opinion may be found in the House as to the policy of her Majesty's Government in Ireland, or as to the measures which the present state of things in that country may demand, upon one point the House must be agreed, and no dif-

ference of opinion can exist; I mean the importance of the crisis at which the motion of my noble Friend has been submitted to the consideration of the House. It has not been denied by the right hon. Gentleman the Secretary of State for the Home Department, nor attempted to be denied by any Gentleman who has addressed the House in this debate, that wide-spread excitement and dissatisfaction exist among the great bulk of the population of Ireland. It has not been denied that Ireland is now occupied by troops—held by military occupation, as was stated by my noble Friend in the opening of his speech. Indeed, I should say that the case was put still more forcibly by the right hon. Gentleman the Secretary of State; for he distinctly and emphatically declared that such was the hazard to which that part of Her Majesty's dominions was exposed, such the emergency to which affairs had been brought in Ireland, that military occupation of the country had been rendered necessary by an attempt to wrest it by force from the authority of the British Crown. It is under these circumstances, Sir, that my noble Friend asks, not as the hon. Gentleman who last spoke seemed to suppose, for a select committee of inquiry into the affairs of Ireland, but that the whole House, according to the constitutional and Parliamentary practice, should resolve itself into a committee, in which the state of Ireland may be fully discussed, taking that step which will indicate on the part of this House a sense of the importance of the crisis now arrived at in Irish affairs, and their determination to adopt measures for averting those calamities which seem in Ireland to threaten the integrity of the British Empire. It becomes us, Sir, to ask what are the grounds on which Government invite the House to reject this motion? I ask, what are the grounds of hope and encouragement for the future offered by the right hon. Gentleman in his speech of last night, no other Member of the Government having addressed the House except the right hon. Gentleman, and the hon. Gentleman who has just sat down. The right hon. Gentleman stated, indeed, that he objected, and I have no doubt that he spoke with perfect sincerity, to the continued military occupation of any portion of her Majesty's dominions—that he did not look to that as a permanent remedy for the evils with which Ireland is afflicted, or as a permanent means of security to this empire. The hon. Gentleman who has just sat down tells us, however, that the loyal portion of the people of Ireland do look to the army for future protection. I ask, then, what are the measures which Government contemplate? What is the course of policy they lay before this House as that which they are determined to pursue, and on which they rely for the future good Government and tranquillity of Ireland? And I ask the House, after having considered that policy, whether any reasonable man can hold that that policy, taken in connection with the policy hitherto pursued by Her Majesty's Government, is calculated to bring back the affections of the people of Ireland, alienated as they have been from the Imperial Parliament and the Government of this country, whether it be calculated to detach one man from the ranks of Repeal agitation? Ireland, as my noble Friend remarked, is occupied by a military force. There is some confusion in the papers laid on the Table, and the right hon. Gentleman elicited a cheer from his party by attempting to show that there had been comparatively only a small increase of the military force in Ireland. But from the papers, as well as from the right hon. Gentleman's own statement, it is clear that, comparing the 1st of January, 1844, with the 1st of January, 1843, there has been an increase of 7,000 rank and file in that country. ["Hear, hear," *from the Ministerial Benches.*] Then there is no meaning in the right hon. Gentleman's vaunt last night; who elicited a cheer by attempting to show that there had been little or no increase. The noble Lord (Lord Stanley), with that courage which ever distinguishes him in the defence of any Administration of which he may happen to be a part, cheers my statement as to that increased force, and doubtless feels confidence in the efficiency of her Majesty's troops to maintain the public tranquillity and to produce, for a time at least, that security for which the hon. Gentleman who spoke last relied upon them so entirely. Let the House mark this, however, that within the course of a few months, there has been an increase of 7,000 men rank and file employed in Ireland, in addition to that naval force which hovers about the coasts, and to say nothing of the battalion of marines who are

likewise placed upon the same service. I do not find fault with the Government for adopting those measures. It was the duty of the Queen's Ministers, in the actual state of Ireland, to take measures to provide against the consequences of their own misgovernment. [*Cheers.*] I agree with those hon. Gentlemen opposite who cheer that, in the state to which Ireland was reduced, under a Government of which they are the vociferous supporters, it was the bounden duty of the Government to maintain the authority of the Crown, and the integrity of the Empire. But is the state of things which now exists in that country to be its permanent state? If not, what is to be its permanent state? What is to be the change in that policy of the Government which has produced this state of things? Upon what can this House rely for the maintenance of the peace and tranquillity of Ireland, and for the security of the British empire? The right hon. Gentleman addressed an able and elaborate statement to the House, able and elaborte, indeed, as all the speeches of that right hon. Gentleman are; and I may add my opinion, that his address of last night possessed one quality which I could have well wished his speeches had been distinguished by during the time he sat on these Benches—that of being also remarkably moderate and calm. I must do the right hon. Gentleman the justice to say that, speaking under a sense of the awful responsibility which rests upon him as the Minister peculiarly responsible for the peace of Ireland, he avoided every expression which could tend to increase irritation and exasperate angry feeling; and I could wish that the same moderation had characterised the right hon. Gentleman's speeches when he sat on this side of the House. I wish that language had not then been used which must have infused into the mind of the Irish people a feeling not easy to be eradicated. The speech delivered by the right hon. Baronet last night consisted of two parts; the first was a defence of the Government against the charges preferred against them in respect of recent occurrences in Ireland; and the second related to the future plans of the Government with regard to that country. Upon the first of these, I wish to address a few observations to the House. The right hon. Gentleman feeling that the pure administration of justice was a subject upon which the House and the people of this country were most deeply and properly sensitive — feeling the force of the observations which had been made, both within the walls of the House and out of doors, upon certain parts of the proceedings in the late trials in Ireland, addressed himself first to the defence of the Government in reference to the exclusion of Roman Catholics from the jury, by which the traversers in the Court of Queen's Bench were tried. Upon that subject I am bound to say, taking up the question at the point where the Crown Solicitor attended to strike that jury, and placing implicit reliance on the statement of the right hon. Baronet, I am not prepared to assert that the Crown Solicitor could have adopted any other course than that which he took. In expressing this opinion I say nothing at present of the policy of the Government in instituting prosecutions which necessarily involved such a result. But if, as appears to have been admitted, eight out of ten Catholics were members of the Repeal Association; and of the remaining two, one, although not a member, was proved to have signed the requisition for a meeting, for so he had understood the right hon. Gentleman, Sir J. Graham, "was believed to have signed it and not denied"—believed and not denied, then to have signed a requisition for calling one of those multitudinous meetings, the proceedings at which meeting were to furnish part of the evidence for the prosecution. I am bound to say that with regard to these nine out of the ten Catholics, the Crown Solicitor would not have discharged his duty had he allowed them to remain upon the jury. With regard to the remaining one, the right hon. Gentleman has pledged his word that that person was believed to be a Protestant, but that for reasons known to the Government, which they did not feel themselves called upon to disclose, he had been struck off, those reasons being irrespective of the question whether he were a Catholic or a Protestant. But if this were the state of the case, if this absolute necessity existed for striking off any Roman Catholic from the jury list, what is to be said of the admission it involved of the condition of Ireland? A great State prosecution had been instituted after months of observation and of deliberation on the part of the Government, with all the solemnity which must ever attend such an act—the eyes of England, of Scotland, and of Europe, were

fixed upon the proceedings; the integrity of the empire might be at stake; the trial —a trial of Catholics—took place in a country, seven-eighths of the population of which were Roman Catholics, and yet not one Catholic could be found qualified to sit upon the jury who were to try the issue—not one whose sympathies were not enlisted with the traversers, not one who was considered a safe man to trust with the investigation of the crime with which the accused stood charged. Why were the Catholics excluded from the jury list? Because, upon the shewing of the Government they were parties to the cause, because in their estimation the traversers had a good defence, and the object and proceedings of Mr. O'Connell had their approbation. That proved that the indictment was not against Mr. O'Connell and the half dozen traversers, but an indictment against the whole Catholic population of Ireland. The right hon. Baronet has stated that the majesty of the law has been triumphant, and took credit to himself and the Government for not asking for military law and a Coercion Act. If the right hon. Gentleman had done so, I should undoubtedly have been one of his opponents; and I am bound to give credit to the Government for not taking that course. But does not the right hon. Gentleman know that even with a strict adherence to the forms of law great injustice may be committed? The moral effect of a verdict, though strictly in conformity to law, is valueless unless accompanied by a conviction of its justice and of the impartiality of the tribunal before which the cause was tried. The right hon. Gentleman illustrated his view of the case last night by a reference to a supposed action against a master of hounds, or a lay impropriator; and asked, could any one blame the attorney in such a cause, if he struck off from the jury all the members of the hunt and all lay impropriators. But the case here was wholly different, and what would the right hon. Gentleman say, if, notwithstanding his right to strike off jurors, his cause should ultimately be tried before a jury composed wholly of lay impropriators? In that case did the right hon. Gentleman believe, although the jurors might be all honourable men, above suspicion in private life, and in their individual capacities, that their verdict would carry with it a moral power or be looked upon as a just decision of the cause submitted to them? But the case of a trumpery action against a master of hounds, or a lay impropriator, as put by the right hon. Gentleman, was altogether different from that of the Irish State Trials. In such cases as the former, a skilful attorney would doubtless take every pettifogging advantage which his knowledge of the law enabled him to take. He, perhaps, would not be doing his duty to his client were he not so to act; but this, as I said before, was a great State trial. Here was a solemn case involving the administration of criminal justice, and it is admitted that several Roman Catholics, upon a serious and important charge, in a country where party feeling and religious animosities ran higher than in any other on the face of the earth, have been tried by a jury holding religious opinions and, it is supposed, political opinions also directly opposed to those of the traversers. Such an admission must, I repeat, deprive the verdict of all the moral weight and effect which ought, under other circumstances, to have attached to it. Then as to the course the Government has pursued with regard to the meetings that had been held from time to time, ending with the proclamation by which the Clantarf meeting was prohibited. For months they had looked on as passive spectators, sending, indeed, troops, week after week, into Ireland, to maintain the public tranquillity, but still they looked on at these multitudinous assemblages, which long before the meeting at Clontarf, according to the right hon. Gentleman's own statement, had been held with military array, and under circumstances calculated to inspire terror and create alarm—they looked on upon these meetings, without issuing a single proclamation to warn those whom they now call the deluded victims of agitation, from attending those meetings, thus taking a course which must have led the people to suppose, that so long as the public peace remained unbroken, so long as no violence was perpetrated, so long as they kept within the law, Government would not interfere with them. Such had been the course of the Government for months, such as it appears from the extraordinary statement of the right hon. Baronet and the minute details he gave of what took place in the first week of October, such I say would have been the course of the Government with respect to the Clantarf meeting itself and the five or six other

meetings which Mr. O'Connell had expressed his intention of holding, and those meetings would have been allowed to take place had it not been for a certain placard couched in military terms, which reached the noble Lord, the Secretary for Ireland, on the 29th of September, headed "Repeal Cavalry:" in which were some original terms, such as "troops," and "half distance," which, it appeared, excited the apprehensions of the right hon. Gentleman. That proclamation had been very properly transmitted to the Home-office by the noble Lord, who seems to have been the only individual who acted with due promptitude and activity in the whole proceeding. The Lord-lieutenant and the Lord Chancellor were absent; it was, therefore, evident, that no interference—no new course of proceeding was in contemplation, or they would have been in Dublin. Had it not, therefore, been for this placard, the same course of inactivity, supineness, and indifference would have continued to characterise their proceedings as had marked them for six or eight months before. What course, however, did the right hon. Gentleman take? Having received this placard I presume on the Sunday evening, he summoned the law-officers, the Lord-lieutenant, and the Lord Chancellor of Ireland, who happened to be in England, to a meeting on Monday, at the Home-office. There there was some discussion—perhaps some want of unanimity (though on that point the right hon. Baronet has afforded the House no information) for, like the debates in this House, notwithstanding the frequent objections made by hon. Members opposite to adjourned debates, the discussion, it appears, was adjourned from the Monday to the Tuesday, and it was again adjourned from Tuesday to the Wednesday. Meantime, it appears, a substituted placard reached the Government, amendments had been made in the original proclamation, and the Lord-lieutenant, the Lord Chancellor, the Attorney and Solicitor-generals, appear to have been employed with the right hon. Gentleman on the Tuesday and Wednesday in comparing the verbal and literal distinctions between the original and amended placard, and speculating whether the substitution of the word "groups" for "troops" was such a material alteration as to alter the character of the placard, and exempt it from the interference of the law. Every thing depended upon this point, as the Government evidently thought, that until they were satisfied with the authenticity of the "Repeal Cavalry Proclamation," it might be hazardous to move against the meeting at Clontarf. On the Wednesday, however, the discussion at the Home-office ended though without a decision: except that it was on that day determined that the Lord-lieutenant and the Lord Chancellor of Ireland should return to Dublin. Now, I beg to ask why, if the Government had resolved upon putting down the meeting at Clontarf, the noble Lord and the right hon. and learned Gentleman had not instantly been sent off? Why was a single moment lost in warning the "deluded victims of agitation" against coming to the meeting, which had been fixed and appointed to be held at Clontarf on the following Sunday? I do not know whether in the case of any noble Lord the Government countenance the same strict observance of Wednesday which it is notorious in another place leads to the adjournment to a later day of a debate, however important in its character, so that it may not interfere with spending the afternoon of that day at the social and festive board. Be this however as it may, Thursday morning still found the Lord-lieutenant and the Lord Chancellor in London, armed not with a proclamation, but with "certain fixed principles" with which the right hon. Gentleman had furnished them. One would at least have supposed that they would have carried with them a proclamation to put down the Clontarf meeting ready drawn and prepared, so as instantly to be used on their arrival; or it might be imagined, that having been so prepared, it had been transmitted to the noble Lord the Secretary for Ireland, so that on the arrival of the Lord-lieutenant and the Lord Chancellor in Ireland, the noble Earl would have had the Privy Council summoned to meet them, that thus no time should be lost. But charged with no such proclamation but only with these fixed principles, the Lord-lieutenant and the Lord Chancellor arrived in Dublin on Friday, and then, as the right hon. Baronet stated, the Privy Council had to be summoned, the proclamation had to be drawn up with care as to its wording—a care from the responsibility of which the right hon. Baronet had absolved himself—and when this was accomplished, the proclamation had to go to the Hanaper-office, and

under all these circumstances the right hon. Baronet appeared to think that great diligence had been exercised, because by three o'clock of the Saturday —the day preceding that on which the Clontarf meeting had been long since appointed to be held—the proclamation had been posted all round Dublin. Now, I must say, that if the right hon. Baronet wished to show that the machinery of Lord-lieutenant, Lord Chancellor, and Chief Secretary, was an obstruction to the Government in Ireland, and calculated to risk the peace and security of the country, instead of maintaining it, he has made out a complete case. The right hon. Baronet could not better have shown the necessity for the abolition of the office of Lord-lieutenant than by his statement of last night, and it was not without some surprise, that when he came to the future policy of the Government the right hon. Gentleman did not include in his remedial measures, a proposal for the abolition of that office, as one of the remedies for the evils of Ireland. Who can doubt that if the Chief Secretary of Ireland had only to communicate with the Home Secretary, the latter would have at once walked to Downing-street to consult with the right hon. Baronet the First Lord of the Treasury, and on the Monday directions would have been sent off to Ireland sufficient to prevent the fearful risk occasioned by the delay which actually did take place. I must, however, congratulate Her Majesty's Government upon the escape they had from a most fearful responsibility. Can the right hon. Baronet at the head of the Home Department deny—can any man in this House deny, that by delaying to so late a period the publication of the proclamation against the Clontarf meeting, great risks were run of making Clontarf a scene of tumult, disorder, and bloodshed, and of kindling on that spot the flames of civil war? This reminds me of one passage in the right hon. Gentleman's speech to which I will make only a passing allusion. The right hon. Baronet admitted in terms that did him credit, that the exertions of Mr. O'Connell were added to those of the Government in maintaining tranquillity, and deterring the people from attendance at that meeting, and after that admission on the part of the right hon. Baronet, it was pressing rather hardly upon the hon. and learned Gentleman to urge that on this and other occasions, he had used those exertions with a view to the success of the conspiracy with which he stood charged. The right hon. Gentleman said, this had been proved at the trial. Such was not the case. On that point no evidence was submitted to the jury, although it was suggested in the speech of one or other of the counsel for the Crown. I will not enter further into this part of the subject than to say, that this reflection upon Mr. O'Connell might well have been spared, as ungenerous and unjust. I now come to the declaration made by the right hon. Baronet in regard to the future policy of the Government. The right hon. Gentleman enumerated several measures which it is the intention of Ministers to bring before Parliament. With respect to those measures, whether taken together or separately, so far as I understand their character, I fully approve of them. There is to be an extension of the franchise, a removal from the voters in boroughs of the necessity of paying part of the taxes, which now must be paid before the franchise could be exercised. Then there was the appointment of the Landlord and Tenant Commission. Next came the augmentation of the grant for Education. All those measures might be valuable, and might have a tendency to do good. But take them separately, or take them together, I ask, are they in the smallest degree adequate to the crisis at which the country has now arrived? I ask whether a trifling extension of the franchise (nay, whether trifling or extensive I care not) — but whether an extension of the franchise, or the removal of the necessity for paying those taxes, or the proposed augmentation of the Education grant, is adapted or equivalent to the urgent necessity of the case; and here I will take occasion to express my hope that, when this Education grant is proposed by the Government, it will not afford the opportunity to hon. Gentlemen who sit around and behind Her Majesty's Ministers to indulge in virulent attacks on the religion of their Catholic fellow-subjects, or elicit from them that species of opposition in which even Gentlemen in connexion with the present Government have been sometimes found active. Admitting that the labours of impartial and diligent men were devoted to the Landlord and Tenant Commission, could the prospect of a partial report from

that Commission towards the close of the present Session, which is all that is held out to us, allay the ferment of excitement which prevails in Ireland? Would it win back the affections of the Catholic population of that country? Are such measures as these remedies for the evils that existed? Are they a security for the tranquillity of the country? No; those measures are wholly inadequate, and I fear they will utterly fail to be effective for that purpose. There was, however, another most important point which was touched upon my by noble Friend the Member for the City of London—the Irish Church. I ask, if that is not a grievance deeply, keenly felt by the Irish people? What hope has been held out in the speech of the right hon. Gentleman in regard to this vital point? What hope are the people to entertain of any redress whatsoever of what they consider at least as a weighty grievance? It is impossible for any one who knows what the feelings of human nature are to suppose that the Irish people can look upon the present state of the ecclesiastical system in Ireland without the deepest dissatisfaction. It is not a mere question of money—it is one which concerns the feelings of a people. Among all the nations of Europe, we find that Ireland alone is so peculiarly circumstanced that, while seven-eights of her population are Roman Catholics, and the remainder divided between Episcopalians and Presbyterians, there exists in that country an exclusive Church Establishment for the Episcopalian minority. This is a grievance that comes home to every man, irrespective of the question of payment. I agree with the right hon. Gentleman that this question is one beset with difficulty, but I deny that it is a difficulty sufficient to deter a Minister of the Crown from dealing with it, or of a nature that justifies Parliament in refusing any attempt at conciliation. On this subject I certainly entertain very strong feelings. I am impressed with the difficulty of saying what is the precise remedy which should be adopted. But this I will say, that nothing appears to me worse, nothing more hazardous, than for Parliament to declare that they will not entertain the question as to the state of the Church in Ireland because it involves, and must necessarily involve, considerations of a difficult and complicated nature. The Protestant Established Church in Ireland, the right hon. Baronet had stated, was framed at the time of the Reformation. I do not yield to any man in the deep sense of the benefits and blessings which the Reformation conferred upon this country. I glory as much as the right hon. Gentleman himself can do in being a Protestant, but I should be ashamed of the name of Protestantism, if it were made the instrument of inflicting injury or insult on those of another creed; and I cannot help feeling that the continued maintenance of an exclusive Protestant Establishment in Ireland has been the means and instrument of insult, if not of injury in that country. Excellent in their private character as are many of the individuals, I might say the great bulk of the individuals who compose the body of the Clergy and Hierarchy of the Established Church in Ireland, still I believe that the existence of that Church in its exclusive power, in spite and in defiance of the wishes, feelings, and sympathies of the people, is the source of many of the evils which that country labours under, and one great cause of the present condition of that part of the British empire. But because difficulties stand in their way, the Parliament of the United Empire ought not, therefore, to abandon the attempt to redress the evils acknowledged to exist. If we were to have recourse to *Hansard*, to which such frequent reference is made, I do not doubt we should find speeches made by the right hon. Gentleman the First Lord of the Treasury, containing arguments equally clear and convincing against Catholic Emancipation, founded on the insuperable difficulties which stood in the way of its concession. And yet those difficulties vanished when the Government of the day—under the apprehension of what might be the consequences of a continued and determined refusal of that measure—set themselves vigorously to consider what those difficulties really were, and how they might best be overcome. They were overcome, and Catholic Emancipation was carried; and I doubt not, that if Her Majesty's Government and the House of Commons would equally determine to consider the difficulties that now exist in respect to the Church in Ireland, and would honestly and vigorously set to work to conquer them, those difficulties would vanish, and the people of Ireland would begin again to look to the Imperial Parliament for a

redress of their grievances, and not seek the relief they feel themselves entitled to demand from the hands of only a local Legislature. What, I would ask, is the position in which those Gentlemen will be placed by your refusal to entertain that question who, while honestly and conscientiously avowing opinions unfavourable to Repeal, are at the same time the earnest and sincere friends of the Irish people? What will be their position if Parliament determines to shut the door against redress, called for on behalf of the people of Ireland? Hitherto, these Members have endeavoured to induce the Irish people to look to the Imperial Parliament for those remedial measures which were called for; but if the doors of Parliament should be closed against them, what else can they do, but go back to their constituents, and state that the Ministers of the Crown supported by a majority in Parliament, had determined that there should be no change in the Church Establishment, that all they were to expect was an extension of the grant for the education of the Irish people, while they were resolved to leave the whole ecclesiastical system in its present state; and that, therefore, the people of Ireland must no longer look to an Imperial Parliament for the redress of this grievance? I hope, when the House shall have deliberately considered all the bearings of the case, that they will not be deterred by the mere statement of the right hon. Gentleman, of the difficulties that present themselves —difficulties which any man might state, but which I believe an honest effort by men of influence on both sides of the House might soon overcome, I say I hope the House will not, from such considerations, be deterred from attempting to grapple with this important subject; and that the Imperial Parliament will not disregard the wishes and feelings of the Catholic population in Ireland. The great object which the House ought to have in view, and which I think is the only way in which the demand for a Repeal of the Union can be checked, is to induce the people of Ireland to look to the Imperial Parliament for the attainment of every reasonable and legitimate object which they hoped for from a domestic Legislature. There are, undoubtedly, unreasonable objects desired, but is the House prepared to say, that because of these unreasonable desires they will not listen to the just complaints of the Irish people? And does the present state of the Ecclesiastical Establishment in Ireland afford no just ground of complaint? This is not a case in which the question of the truth of a religion was concerned. It is not a case which involves the question as to what was true, or what was not true. Parliament has to deal with men as it finds them—we have to deal with millions of fellow-subjects separated from us by a small channel, and who have embraced a faith, whether true or not, to which they are conscientiously attached. We might wish that these differences did not exist—that they were of one mind with ourselves, but having to deal with men, not as we could wish them to be, but as we find them. I would ask whether it does not behove the House to take care and not adopt such a course as should be calculated to fill that large porion of our Catholic fellow-subjects with disappointment and despair? It is desirable to render the Union of the two countries equal and complete; and I would ask the House, in a spirit of warning, to consider what—when placing themselves in the position in which the people of Ireland are—they must feel must be the result of a determined resistance on the part of the Imperial Parliament to all concession? The Union must be maintained, but a complete union never could be effected so long as an Established and endowed Church of the minority exclusively existed, while the Church of the majority was wholly without provision. I would refer for a moment on the subject of the Union to the sentiments which had been lately republished by one of the most eminent writers of the day—the present Lord Jeffery. In an article published some years ago in the *Edinburgh Review*, that eloquent and eminent man expressed his sentiments upon this important subject, and pointed out in language of the most forcible and convincing character the calamitous consequences to both countries, of an attempt to dissolve the Union between Great Britain and Ireland. After stating what the result would be to Ireland he proceeded—

"To England it is obvious that such a contest would be the source of unspeakable calamity, and the signal, indeed, of her permanent weakness, insecurity, and degradation. That she is bound, therefore, for her own sake, to avert it by evety possible precaution and

every possible sacrifice, no one will be hardy enough to deny; far less that she is bound in the first instance to diminish the tremendous hazard by simply 'doing justice and showing mercy' to those whom it is, in all other respects, her interest as well as her duty to cherish and protect. . . . . The Union, in short, must be made equal and complete on the part of England, or it will be broken in pieces and thrown in her face by Ireland."

I would ask, whether England has yet, by every possible precaution and sacrifice, endeavoured to avert what they were told by Lord Jeffery would be an unspeakable calamity as the result of a contest between the two countries; and if not, will they refuse to take one step to avert the approach of that calamity by rejecting the motion of my noble Friend? But there is one other observation which I have to make. What is really wanted for Ireland is, not only measures calculated to meet the circumstances of that country, but a Government in whom the Irish could place confidence—a Government conducted in unison with the feelings and sympathies of the people. ["Hear."] The right hon. Gentleman cheers that sentiment; I do not know whether by way of approval—but what is at present wanted, I repeat, is a system of government that should cement the Union, and that it should be conducted in unison with the feelings and sympathies of the people. Now, the measures which Her Majesty's Ministers intend to present to the House are, no doubt, good in themselves; but independently of their inadequacy, the Irish look to the past policy and past conduct of Members of the Government—and what has that been? Their words now are smoother than oil—time was when they were sharper than swords. The Irish cannot forget the conduct and language of the present Ministers when they sat on the Opposition Benches. They chose Ireland for their battle-field against an administration they wished to supplant, because they thought the feelings of the English people would be with them. The people of Ireland remember their conduct on the Appropriation Clause, when, as now, they refused any change as to the Church. They remember the conduct of the party now in power in respect to the Municipal Reform Act, and the adjustment of the Municipal franchise, and they know that the distinction made between the corporation system of Ireland and of England was made because the Irish were Roman Catholics. They remember that when that bill had repeatedly passed through the House of Commons it was arrested in the House of Lords, through the agency and activity of those with whom you were in daily communication, and with whom you now sit in the Cabinet of your Sovereign. They remember your conduct on the Registration Act. [*A laugh.*] The noble Lord (Lord Stanley) smiles, I hope that the noble Lord may never find it to be a subject of bitter regret and unavailing remorse. The conduct of the Ministers was now, no doubt, widely different, but in order to prove the sincerity of their repentance, and that they are ready to conciliate the feelings and meet the just demands of the people of Ireland, and not trust merely to putting down disaffection by force, they must retrace their steps by wider strides; they must give more ample evidence of a change of feeling and of purpose than can be done by the bills which they have promised to bring in, or by a Landlord and Tenants' Commission. Something else is necessary on their parts to enlist the affection and confidence of the Irish people, and to make them the loyal, devoted, and united subjects of Her Majesty in common with the people of Scotland and of England. I believe, that the present moment is not the least favourable one for such a proceeding. "The majesty of the law having been triumphant," it affords an opportunity to the Government to realise those professions which were made in the Speech from the Throne, in which Her Majesty expressed a desire to do justice to Ireland, and redress the grievances of her Irish subjects. I believe it is not now too late to win them back, and make them look for redress to the Imperial Parliament with hope, if not with confidence. Should this opportunity be lost, I fear the result; and to re-lease myself from all responsibility as to that result, I shall give my cordial support to the Motion of my noble Friend.

Lord *Eliot* said, that his right hon. Friend, the Secretary of State for the Home Department, had already so ably vindicated the policy of the Queen's Government with respect to Ireland, had so successfully defended every act of theirs, that he should be well content to remain silent; but considering the situation which he held, and feeling anxious to correct

some mistakes—mistakes he would call them—into which the right hon. Baronet fell, who had just sat down, he would take the liberty of trespassing upon the attention of the House for a few moments. He should advert in the first place, to that portion of the right hon. Baronet's speech, in which he commented on the statement made by his right hon. Friend, with respect to the military force employed in Ireland at different periods. The object of the right hon. Baronet was to show that the present Government had, on their accession to power, found a small military force, and that they had greatly increased it. But a reference to the official returns quoted by his right hon. Friend would make it evident, that between September 1841, and March 1843, there had been a considerable reduction; one cavalry regiment, and four battalions of infantry. With that fact before their eyes, and with a knowledge of circumstances respecting which no one could plead ignorance, he ventured to assert that no Member of that House could suppose that Her Majesty's Government had shown any disposition to effect a military occupation of the country. His right hon. Friend, the Secretary of State, had shown beyond the possibility of successful contradiction that no such disposition existed; but, at the same time, every one must have understood him to say, that whatever force might be required in Ireland for the protection of life or property, such force should be readily supplied, and should, as long as was necessary, be maintained in that country. He believed he might say, that the state of Ireland was not now worse than at the time when the right hon. Baronet opposite supported a coercion bill—a measure which he himself acknowledged he should not have supported, if the present Ministers had been in power. So that the question of coercion or of leniency was merely an affair with him of men, not of measures. The noble Lord, as the right hon. Gentleman had very properly stated, did not ask for a committee to inquire into the grievances of Ireland, and to propose measures for their amelioration. No. He asked for a committee of the whole House, which was tantamount to a vote of censure on the Ministry. He tried to wrest the reins of power from the hands in which they are placed. The right hon. Member for Waterford, and the right hon. Gentleman who had just spoken, dwelt in fine and vague phrases about measures of amelioration, but they did not condescend to tell the House what were their own measures in Government, nor what they would now be if they should be successful in this motion. He had listened with attention to their speeches, but all he had heard was such phrases as "we disapprove of this," or "something else is necessary." They told us the Church Establishment was a grievance, but not what they would do with it; and if, as the right hon Baronet said, it is not a question of money, he was at a loss to know what object could be attained by withdrawing any portion of the revenues of the Irish Church. He would next come to the observations which had been made by hon. Members on the opposite side of the House respecting the striking of the jury. With a degree of candour which did the hon. Member opposite high honour, he admitted, that the Law Officers of the Crown could not have acted otherwise than they had done. His right hon. Friend, the Secretary of State for the Home Department, had already sufficiently vindicated the Law Officers of the Crown, and it was only necessary for him to corroborate the statement which his right hon. Friend had made; but in doing so he desired to call the attention of the House to a letter which he had received from the Crown Solicitor in Dublin, from which it was evident that there was a strong desire on the part of the Law Officers of the Crown, to retain Roman Catholics upon the panel, provided they could do so with safety to the interests of justice. The Crown Solicitor, in his letter, stated, that previous to striking the special jury, he had been assured by a gentleman well acquainted with Dublin, that William Hendrick was a Protestant, and that this was his, the Crown Solicitor's, belief when he struck the list. I think it unnecessary, continued the noble Lord, to pursue this further. My right hon. Friend has already explained the case of Michael Dunn. There were four persons of that name. The names of three were appended to the Tara requisition, and another to the requisition for the meeting in St. Patrick's ward, and there being no places of residence attached to their signatures, and but little time for inquiry, it was naturally concluded, that the name was at least one of those four; but whether it was so or otherwise, I am not prepared to say, for, as my right hon. Friend stated,

though Michael Dunn denied that he was a member of the Repeal Association, he did not deny that he had signed the requisitions. [An Hon. *Member.*—He has not been accused of it till now.] I can only say, I think that the fact of Mr. Dunn's name being appended to such a requisition, was a valid ground for believing that he would be a biased and prejudiced person, so as to be unfit to serve on the Special Jury. I do not admit, that it is any imputation on a man's honour, or equivalent to suspecting him to be capable of perjury, to say that he is not fit to serve on a Special Jury; because in a case of great importance, in which the acts of one's friends or relations, or of a body to which we belong, are called in question, it is not in human nature to look on the evidence in that calm and unimpassioned manner in which alone it ought to be considered. I may observe here also in passing, that the right hon. Gentleman said, that all the traversers were Catholics. Now, this was not the case. Five of them are Catholics, but three of them are Protestants, and, therefore, strictly speaking, the argument is not so strong as is supposed; and without wishing to get out of the case, for I think it would be no justification of the conduct of Government, I cannot help reminding the right hon. Gentleman of the conduct of one of the traversers himself, who, as counsel in the case of Sir G. Bingham, at the Cork Assizes struck off from the panel the names of seventeen Protestants in succession. I come now to that part of the right hon. Gentleman's speech in which there was the most acrimony, that in which he spoke of the conduct of the Government respecting the Clontarf meeting. He spoke of the inconsistency of the Government in permitting so many meetings to go on, and then suddenly interfering as they did on that occasion. I think the Solicitor-general for Ireland has so clearly explained the conduct of the Government on this subject, that I shall take the liberty of reading to the House his statement. He says,—

"A meeting might be unlawful, because it had an unlawful object; because it was the means resorted to to bring about an unlawful end, and until it was known what that end was—until clear evidence could be adduced to prove the conspiracy to which these meetings were ancillary—until the time had arrived when the crime and purpose were capable of legal proof—it would have been impossible to show that any one meeting was *per se* illegal."

Now, supposing the Government had issued their proclamation, the meeting not being clearly illegal, what would have been their condition if they had not power to enforce it? Were they to allow it to be disregarded, or to send troops to enforce it? If they had done the first they would have been ridiculed; if the second, they would have allowed their agents to interfere with an assemblage, the legality of which was only doubtful. The Government, therefore, would not have been justified in preventing any previous meeting; but the case of Clontarf was different. With respect to that meeting, he would read another extract from the speech of the Irish Solicitor-general, which he thought placed the matter in the clearest possible light:—

"When, however, circumstances had occurred to show the purpose kept in view all along by the parties who caused that meeting to assemble—when that purpose was clearly demonstrated by their subsequent acts, as the conspiracy proceeded to its termination, then, indeed, the subject assumed a different complexion; and the original meeting, which, standing by itself, could not be prosecuted as illegal, became at once criminal, illegal, and open to prosecution. It was for this reason that the Crown counsel considered the Repeal meetings unlawful; because it appeared, that they were held for the unlawful purpose of exhibiting to the Legislature, and the people of England a demonstration of the physical force of the country, which it was expected would frighten and intimidate them into the concession of the measure which they (the Repealers) wished to attain. Repeated warnings had been given to the traversers—in Sir R. Peel's speech on May 9, 1843; in the Speech from the Throne; in the dismissal of magistrates. Connivance, therefore, could not be charged against the Government."

Until Her Majesty's Government were advised by the law officers of the Crown, that this combination was dangerous, not only to Her Majesty's Government, but to every peaceable man in Ireland, and until the Government had legal evidence in its possession to enable it to interfere, it was the duty of the Government not to interfere. The right hon. Gentleman talked of the state of Ireland. I hold in my hand a letter, which I hardly know whether I ought to read to the House. I will, however, as a specimen of the communications made to the Government, state its

contents. It is from Mr. Saunderson, the late Whig Member for Cavan, and addressed to the lord-lieutenant of Cavan. It runs thus :—

"Castle Saunderson, 8th June, 1843.—My Dear Lord,—The greatest alarm pervades this part of the country (county of Cavan), and both Protestants and Catholics expect an immediate insurrection—at all events a parochial enlistment of Repealers is taking place at the chapels, and, the well-disposed Catholics are reluctantly joining the ranks, seeing no force in the country to resist the movement expected; there is not a soldier in the county of Cavan. On the other hand, the Protestants are preparing their arms, in some instances sitting up at night; and the magistrates, feeling that if a simultaneous movement does take place, they will have no power to resist it, know not what to say to the poor people. Whatever measures of a political nature may be adopted to allay this fearful commotion, at least the Government should lose no time in demonstrating its strength, both to discourage the disaffected, and to relieve the just apprehensions of the peaceable. Our present situation undoubtedly is, that if a simultaneous movement were to take place at this moment, we should all be overpowered in twelve hours, except perhaps a few bodies of Protestants, who are preparing for the conflict; and for these, as there are no military to concentrate on, their resistance would only embitter our fate. I am urged to do something, to call a meeting of magistrates, county meeting, &c., but I do not like to do so without being able to communicate to such a meeting some measures which may appear practicable and sufficient, and which the Government approve of and promise to support us in. I shall be much obliged by your advice."

[Dr. *Bowring*.—What date?] The 8th of June, 1843; and at that time the military forces were beginning to be poured into Ireland. I must take the opportunity of saying that the Protestants of the north of Ireland are eminently entitled to the gratitude, not only of the Government, but of the country, for at that period they were convinced that their lives and property were in imminent peril. They heard language used by the Roman Catholic peasantry, which it was impossible to hear without alarm. They believed, that an insurrection would take place, and though filled with well-founded alarm, they acted in a manner to entitle them to general gratitude; they obeyed the law; they said they did not see any difference between a procession with orange flags, and a procession with green flags and music; but knowing that an act of Parliament existed, which made one of these processions illegal, and which did not prohibit the other, they set an example highly creditable to them, and abstained from processions of any kind. I return again to the Clontarf meeting. I have already said there were circumstances connected with this meeting, which induced me to believe the meeting was illegal. I consulted the law officers. The right hon. Gentleman will recollect, that at this time the Lord-lieutenant was absent, having been compelled by severe illness to go to England for a short period. The right hon. Gentleman is also aware, that the Lord Chancellor, exhausted by continued sittings in Chancery—and no man had ever adorned that court who had conducted the business more effectively than that learned Lord—had also been obliged to retire to England for a short period. In their absence, I consulted the law officers as to the nature of the placard which my right hon. Friend has read to the House. We were of opinion, that the circumstances which were described in the proclamation subsequently issued rendered the meeting illegal, and I communicated to the right hon. Gentleman at the head of Her Majesty's Government, and to the right hon. Gentleman at the head of the Home Department, my determination to take upon myself the responsibility of prohibiting the meeting if their instructions should not reach me in time. I transmitted my opinion to London, and, also the view which the law officers of Ireland had taken of the the same subject. Government concurred in these views, and it was agreed upon, that a proclamation should be issued, but in the meanwhile, namely, the 2nd of October, the first having appeared on the 30th September, the amended placard was issued. I brought the amended proclamation under consideration, and I asked how far the character of the meeting had been altered by it. This information reached London on the 4th of October, the day on which my noble Friend was to take his departure for Ireland, and a fresh consultation was accordingly had on the subject. My noble Friend was thus detained in London till Thursday and did not reach Dublin till Friday. It is necessary to mention this, because the right hon. Gentleman twits my right hon. Friend for not sending by my noble Friend a proclamation ready cut and dried. How could he foresee that twenty-four hours would not alter

the character of the meeting, or how could he frame a proclamation to meet all emergencies? No; it was left to the Irish Government to act according to circumstances, the Government here laying down principles—that is, explaining their views on almost all possible circumstances which might be likely to arise. A consultation was held at the Castle on Friday, at which the Lord-lieutenant, the Lord Chancellor, the Commander-in-Chief, and the Law officers and myself were present, and the unanimous opinion was, that the meeting should not be allowed to take place. The proclamation was drawn up, and on Saturday it was finally agreed to at a meeting of the Privy Council. I must here advert to something that has been said, not in this House, but by a right hon. Gentleman, a Member of this House, out of the House, as to the mode in which the Council was summoned. It has been stated, that an insult was offered to the Roman Catholics, because Chief Justice Brady and the right hon. Anthony Blake, two gentlemen whom I am happy to call my friends, were not summoned to the Council. Chief Baron Brady is a Protestant; but let that pass. I take the whole blame of omitting these two gentlemen on myself. I thought, that the step about to be taken ought to be taken on the responsibility of the Executive Government alone, and I did not think it expedient to ask our political opponents to share this responsibility. They might have dissented from the step, but they would have only formed a small minority, and no practical effect of their dissent could have followed. Their dissent could not be known, because it could not be recorded; and notwithstanding their dissent, I feel they would in a certain degree have shared in what might be termed the odium of that measure. The Irish Government, therefore, took all the responsibility on itself, and they therefore thought it right to summon only those who were with them to share it. The right hon. Gentleman alluded to the risk of collision. In answer to that, I say that these meetings never took place until after mass. At day break the ground on which the meeting was to take place was occupied by an overwhelming military force; and no mass of people that could have been brought together, would have thought for a moment of encountering such a force. Measures had been previously taken to send the proclamation to all the police stations within thirty miles of Dublin, and I believe all those places had a copy. I have also reason to believe, that very few, if any, persons proceeded to the place of meeting the day before it was to take place. But I say again, that the imposing military force on the spot rendered collision impossible. There is one more point to which I wish to refer, it relates to the doubt expressed as to the illegality of the meeting at Clontarf. If the meeting was legal, nothing was so easy as for the hon. Member for Cork to try the question. If the hon. and learned Gentleman had gone there with two or three friends, he might have tried the question at once, by bringing an action of assault against any one who prevented him from appearing there. We now come to the main question. The noble Lord proposes to the House to go into a Committee of the whole House, not to consider measures of amelioration, but to propound resolutions condemnatory of Her Majesty's Government. [An Hon. *Member.*—Both.] From the course of the speech of the noble Lord, I am unable to understand what resolutions are to be brought forward; and the noble Lord studiously avoided stating any measures he wished. The only practical measure which the noble Lord suggested, was the appointment of more stipendiary magistrates. But my right hon. Friend gave the noble Lord a lesson respecting stipendiary magistrates which I am inclined to believe will induce the noble Lord to regret the statement which he made on that subject. The right hon. Gentleman, repeating what the noble Lord said—I do not mean to speak invidiously,—referred at considerable length to the Established Church of Ireland; but he carefully abstained from explaining his own views on this question. The right hon. Gentleman, and the noble Lord, talked of a tripartite division of the property of the Church, and of making the revenues of the Church support the three establishments of Protestant, Catholic, and Dissenting Clergy. The right hon. Gentleman, however, is even less explicit than the noble Lord; for no one could possibly make out what the right hon. Gentleman really intended to do. The hon. Member for Waterford has repudiated the idea of a state provision for the Roman Catholic Clergy. If so, it is hardly worth while to discuss the point,

for the only object which Goverment could have in view in adopting such a measure as a state provision for the Roman Catholic Church, would be to secure the friendship and goodwill of the Roman Catholic Clergy; and if we are told, that to make such a provision would be considered an insult and an injury by the Roman Catholic Clergy, why I say that to expect any advantage from such a measure is impossible. I now come to the question, are you to subtract any part of the revenues of the Protestant Church in Ireland? The right hon. Gentleman declined to do this, for he said it is not a question of money; then it must be the actual existence of the Established Church which is threatened. I am sure there will be found a party in Ireland—I do not say the Roman Catholics generally, for I believe that in stating, as many witnesses of that persuasion did before the Committee of the House of Lords, that there was no intention to interfere with the integrity of the Established Church, they were sincere; but I do say there is a class of agitators in Ireland who will be satisfied with no measure short of the actual subversion of the Established Church. I do not, however, believe that this House, or indeed any Parliament in this country, would consent to the subversion of the Protestant Church. When the noble Lord introduced the Church Temporalities Bill, he declared that it was introduced for the purpose of strengthening the Established Church. With respect to the Appropriation clause, the object of that clause was general, and not, certainly, religious education in any particular sect or creed—and in my own opinion, had it been carried the concession would not have neutralised the opposition of the enemies of the Church. Some reference has been made by hon. Gentlemen on the opposite side to declarations which I put forward when about to join the Government to which I have the honour to belong. I do not recollect the exact words of those declarations, but to the spirit of them I strictly adhere. I predicted that my colleagues would conduct the Government of Ireland in a spirit of perfect justice and impartiality, and, notwithstanding all the imputations which have been thrown upon them by hon. Gentlemen opposite, I am utterly unable to fix on one single act which requires defence or justification. The present Government has now been in power for the space of nearly three years, and during the whole of that time, I have not heard any imputation of partiality or injustice fastened upon them, except the charges now made against them in reference to the striking of the special jury, when I contend that the Crown Solicitor did no more than his duty. This, indeed, has been admitted by the right hon. Member who has just sat down. As to the exercise and distribution of patronage, hon. Gentlemen must know that it is impossible for any Government to dispense favour or patronage to their political opponents. Let the House see how Government is situated with respect to this point. It is true that the mass of the people of Ireland are Roman Catholics, but it is equally indisputable, that the great majority of the members of the liberal professions in that country are Protestants. I will give the House one instance of it in the constitution of the Irish bar. There are, I believe, about sixty or sixty-five Queen's Counsel, and of those, how many does the House think are Roman Catholics? Exactly twelve. Nor can such a disproportion be owing to any undue exercise of patronage, for no one will for a moment suppose, that Roman Catholic gentlemen of standing at the bar could have been passed over by preceding Administrations. In a country where the great mass of the people are Roman Catholic, there are only twelve gentlemen who have attained that rank in their profession which has been bestowed on fifty Protestants. That disproportion is strikingly shown in the trials of the Traversers, where, no doubt, every efficient member of the Roman Catholic religion, was and would have been put in requisition for the defence. There were eight Queen's Counsel engaged for them, of whom five were Protestants and Conservatives. [*Hear, hear.*] It was certain, that only three of those gentlemen Messrs. Sheil, Monaghan, and Pigot, were Roman Catholics. [An hon. *Member*: "Mr. Moore."] That gentleman is a Protestant, though not of Conservative opinions: but, in pointing out these differences, I am not making any invidious distinctions, or entering upon a religious question, but I am merely endeavouring to show how difficult it is for Government to dispense their patronage as has been recommended to them. I ask Gentlemen opposite to name the man at the Irish bar of the Roman Catholic per-

suasion, and not an opponent of the Government, who is fit to be made Lord Chancellor or Master of the Rolls? I contend that they cannot name one; and it is hard, then, to taunt Government because they have been unable to find Catholic barristers to promote. As so much has been said about the elevation of unfit and improper persons to the Bench, and the undue advancement of Englishmen to places of trust, it is right to observe, that for my part, I am satisfied no better selections could have been made, than were made in the case of Mr. Lefroy, Mr. Jackson, and Mr. Blackburne; and with respect to the latter charge, I will only reply, that not one Englishman has been promoted to any permanent situation of trust by the present Government. Now, with regard to the manner in which Government has exercised its patronage in other departments. There are the situations of stipendiary Magistrates — places of high trust and importance — vacancies in three of which have been filled by Roman Catholic gentlemen. In the same way, they have nominated a gentleman of the same religion, as assistant barrister, which is, also, as hon. Gentlemen are no doubt aware, a post of great importance and considerable influence. For the distinguished situation of one of Her Majesty's Serjeants, the Government selected Mr. Howley, a Roman Catholic, a gentleman well qualified indeed for the high and honourable office to which they have appointed him, a gentleman who has conciliated the respect, and gained the affections of those amongst whom he had exercised his judicial functions. He has been paid the highest honour that could well be conferred upon him, for upon his leaving Tipperary, he received the most flattering addresses from the inhabitants of that county, of every class and denomination. He was the only man whom Government could select among the Roman Catholic members of the bar, and notwithstanding all I have said in his praise, I can assure the House that there are many Protestant barristers, whose professional claims are, to say the least of them, equal to those of Mr. Howley. Such has been the disposition of Her Majesty's Government to bestow just favour and patronage on Roman Catholics, that they have put aside the claims of their own friends, and promoted a gentleman, who, though moderate in his politics, had not been a supporter of the Government. I have now, I hope said enough to satisfy the House, that in the distribution of their patronage, Government has been actuated by no unworthy sectarian spirit, but has bestowed it whenever they could, without reference to any religious distinctions. I maintain that there has been no dereliction of duty on their part—no tampering with the administration of justice—no desire to promote the ascendancy of any sect, but, that throughout their conduct, they have evinced the strictest spirit of impartiality. There is not a single act of theirs, which I am not prepared whenever called upon to defend and vindicate. It is difficult, indeed, to deal with vague, general accusations: but I have taxed my memory carefully, and have been unable to recollect any part of the conduct of Government which requires vindication or defence. Of the legislative measures proposed by the Government, I will not now speak—more fitting opportunities of doing so will present themselves. It is not my habit to indulge in exaggerated expressions of feeling, but I will say I have ever entertained a strong desire to be of service to Ireland. This disposition, which existed before my official connection with that country, has been strengthened by that circumstance, by the hospitality I have received, and by the friendships I have formed there. All that I have seen of the country and of its inhabitants has endeared it to me, and I am sure the House will give me credit for sincerity, when I say, that I never will become a consenting party to any act which I do not conscientiously believe to be calculated to better the condition, and to promote the welfare of the Irish people.

The debate further adjourned.

House adjourned at half-past twelve o'clock.

HOUSE OF LORDS,

Thursday, February 15, 1844.

Minutes.] Bills. *Public.*—1ª. Offences at Sea.

2ª. Metropolis Improvements.

Private.—Petitions for Private Bills not to be received after *Tuesday, the 2nd of April*, nor any Report after *Tuesday, the 4th of June.*

3ª. and passed:—Sang's Naturalization.

Petitions Presented. From Mayor, etc. of Portsmouth, for Removal of Civil Disabilities of Jews.—By Bishop of Llandaff, from Dean and Chapter of Chichester, against Union of Sees of St. Asaph and Bangor, and in favour of Bishopric at Manchester.—By Duke of Richmond, from a Society in Westminster, for Alteration in Currency System.

LORD DUNDONALD'S PATENT.] Lord *Brougham* postponed the motion of which he had given notice two nights since, with respect to the petition presented to the House by Lord Dundonald.

The Earl of *Minto* took that occasion to bear testimony to the great importance of the inventions of the noble Lord, which formed the basis of his petition. With respect to his improvement in the application of steam machinery to war vessels, experiments had been made as to their efficiency, and these had been highly satisfactory. The very mention of the name of Lord Cochrane—a name associated with such eminent services rendered to the country—would of itself induce their Lordships to look with favour upon the petition.

STATE OF IRELAND — ADJOURNED DEBATE.] On the motion for resuming the adjourned debate,

Earl *Fortescue* rose and said, that before he proceeded to consider the general question then before their Lordships, he wished to advert to one particular point which had personal reference to himself. He understood that representations had been made elsewhere by very high authority, that during the last three months of the late Administration in Ireland seven stipendiary Magistrates had been appointed in excess of the number on the existing list. The terms in which this statement was made and the place where it was promulgated left no doubt of the imputation which it was intended to convey. Now, he would tell their Lordships, that for that act of the Government of Ireland he, as the head of that Government at the time, was solely responsible. Not having access to any official documents, and the unfortunate absence of (Lord Morpeth), who at that time filled the office of Chief Secretary for Ireland, preventing him from deriving assistance from his noble Friend, with whom he had been in the habit of consulting as to these appointments, he could not enter fully into all the circumstances, or afford to their Lordships all the information respecting them which he otherwise would have done. On reference, however, to the only document which he had on the subject—a return of all the appointments made by him during his Government of Ireland—he found that the statement was correct, as to the number of appointments. He found that he had appointed between the 15th of June and the 28th of August, 1841, seven stipendiary Magistrates; but it was not true that those appointments were in addition to the pre-existing number. Amongst the Magistrates three vacancies had occurred by retirements or dismissals, which vacancies of course were filled up. This left four out of the seven. Of these four, one was appointed for a district in the county of Armagh, upon an earnest requisition from Lord Gosford the Lord Lieutenant and the Magistrates of that county, agreed to at a meeting of those Magistrates, in consequence of an atrocious murder committed in that district. A second Magistrate was sent to Tralee, in consequence of constant disturbances amongt the fishermen in that quarter, which the local Magistrates having personal interests in the fisheries were unable to settle satisfactorily. A third Magistrate was despatched to the wild coast of Donegal, in consequence of affrays between the Revenue police and the people, in one of which a man had been killed. One remained to be accounted for; but, having no memorandum on the subject, he could not exactly state why that appointment was made; he was certain, however, that if he had the correspondence, it would appear to have taken place under circumstances equally urgent. He trusted that this would be a sufficient answer to the statement made in another place. Entertaining the views which he did of the great usefulness of these Magistrates, and of the immense benefit to the administration of justice which had been uniformly derived from their exertions—he should have considered himself very culpable indeed in his own estimation, if he had abstained, on account of any feeling of responsibility at the eve of his retirement from office, from making any appointments of this nature that he might have deemed advantageous to the public cause, more especially as those who succeeded him might find difficulties which he did not in making them from the objections of some of the Local Magistracy. Whatever might have been his faults (and he was well aware of many) in the discharge of his official duties, no one ever undertook them with more single-hearted anxiety for the welfare of Ireland, and he could most truly declare that no appointment ever was made by him for the mere exercise of patronage, in consequence of any

personal or political feeling. He should now proceed to consider the question immediately before their Lordships. He would not weaken by attempting to repeat any of the arguments so ably brought forward by his noble Friend, in support of his motion, but he certainly could not agree with the noble Baron (Howden) who censured the Motion as ill-timed, because it might embarrass the Ministers; and he thought that it was most unjust and unfair to his noble Friend to impute to him motives for its introduction, differing from those which he had assigned for it. He did think that it would have been ill-timed had it been brought forward during the time when the legal proceedings which have just terminated, were still going on. But, he must contend, that they were fully at liberty, in such a crisis as the present, to call upon Government for a justification of their conduct, and to express their opinion upon that conduct. Indeed, it would be a new doctrine in British politics—a doctrine most foreign to the spirit of the Constitution—were the Legislature, in times of great public emergency, to be debarred from raising its voice upon the plea of the embarrassment it would occasion to the Government. He must do his noble Friend, the Lord President of the Council, the justice to say, that he did not concur in that doctrine. He (Lord Wharncliffe) had, on the contrary, thanked the noble Marquess who introduced the Motion, for the opportunity thereby afforded him of vindicating the proceedings of the Government of which he was Member, and any one would admit that he had shewn great ability in the performance of that difficult duty. The charge against Her Majesty's Government was, that after the late Government had delivered Ireland into their hands in a state which was admitted by their Lord-lieutenant, by their Chief Secretary, and by the Prime Minister himself, to be in a state of tranquillity and contentment, that country had, during the few years for which they had held office, been brought to a state, the existence of which every one must deplore. But it was said, that the agitation did not commence under the present Administration, and it was quite true that some large Repeal Meetings were held, and some violent language was used at them in 1840; he believed, however, they never would have taken place had it not been for the introduction of a Bill into Parliament in that year, which went to deprive a large proportion of the county constituency of Ireland of the privileges of the franchise. In consequence of those meetings, he had, on the part of the Government, made that public declaration which had been before alluded to in their Lordship's House, and the great mover of the agitation had acknowledged more than once, in no very measured language, the check which had been given to it by that declaration. But, perhaps, a still more conclusive proof of this might be afforded by comparing the amount of the Repeal Rent, as it had recently been, with what it was during his own administration. During the latter it had never exceeded per week the sum of 200*l.* and did not average 100*l.* But it had recently exceeded 2,000*l.* in one week, and the average weekly receipts amounted to about 500*l.* His noble Friends and himself had been taunted in this debate with the abuse which they had received from Mr. O'Connell, and they had at other times been severely reflected upon, for the influence which that hon. Gentleman was supposed to exercise over them. Now, he had long been acquainted with Mr. O'Connell, and in any personal communications which he had ever had with him, he (the hon. Gentleman) had always treated him with the utmost courtesy and respect. It was also quite true, that Mr. O'Connell had supported the late Irish Government, and had uniformly continued his support down to the year 1840, and it was due to Mr. O'Connell to state that he had never, except in one instance, asked for any patronage, either for himself or any of his friends, and in that instance the Government refused it. The hon. Gentleman had however in the year 1839, greatly served the Government by the exertion of his influence for the suppression of Chartism, which was at that time rapidly spreading over a great portion of Great Britain; and so effectual had been the efforts of the hon. Gentleman in excluding it from Ireland and in preserving the peace of that country, that he (Earl Fortescue) had felt himself justified, without any solicitation whatever, in offering an appointment to his son, and in doing so he had stated by letter to Mr. O'Connell, that it was given as an acknowledgment from the Government of the service which he had rendered to them and to the country by his conduct on that occasion, and

he must say, that in the more recent case of the Clontarf Proclamation, he thought the preservation of the public peace and the prevention of any collision between the people and the military, was much more owing to the influence of Mr. O'Connell than to the forethought or precautions of any of the constituted authorities. Of the proceedings which had been instituted against Mr. O'Connell it was not necessary for him (the noble Earl) to take any lengthened notice; but he could not help saying that more extraordinary proceedings or more unlike those of a British Court of Justice never had occurred. He hardly knew which would seem most strange in any English trial,—that the Attorney-general should send a challenge to one of the counsel on the other side, or that the Chief Justice should think it necessary to call in the aid of the counsel sitting under him for instruction how to deal with the outrage which had thus been committed against the court. With respect to the measures which the present Government proposed to introduce, though he thought them wholly inadequate to producing any amount of good at all commensurate with the evils which existed in Ireland, he was bound in candour to admit that they were steps in the right direction. He was glad to find that an increased amount of money would be applied to the purpose of Education; but if the Government intended to make such a grant effectual for the joint instruction of the people of Ireland, they ought not to choose the highest dignitaries of the Church from amongst the number of those who were the most warmly opposed to the Board of National Education. He was glad, too, to learn that the Government, enlightened by the responsibility of office intended by a new Registration Bill to extend instead of curtailing the Elective Franchise in Ireland: with respect tothe Commission now sitting to inquire into the relations subsisting between landlord and tenant, if it did nothing more than encumber the shelves of the library with another Blue-book, their appointment would be considered by the country a mockery, but from the character of those composing the Commission he had much better hopes of the result of their labours, and after the legislative changes which had already been made in the relations of landlord and tenant indirectly by the abolition of the 40*s.* freeholds, and directly by the Subletting Act, and indeed by various other measures, he never could admit that the just rights of property would be invaded by an attempt further to amend the laws by which their relations were regulated, and to correct the grievances so loudly complained of on that score. On the subject of the Church and the payment of the Roman Catholic priesthood, he would not, considering the difficulties now attending that question, go over again the opinions which he had already expressed, but which he feared were shared by few of any if their Lordships. He would only add, in justice to himself, that he was convinced no permanent or satisfactory settlement could be had till the Protestant Establishment was reduced into some proportion with the numbers of its adherents, and the Roman Catholic clergy as well as the laity put in all respects on an equality with their Protestant brethren.

The Earl of *Haddington* said, the noble Earl who had just addressed their Lordships commenced his speech by complaining of a statement made elsewhere with respect to his appointment of certain stipendiary Magistrates towards the close of his administration in Ireland; and he was anxious, as far as he was informed, to put the question upon its right footing. The present Ministry had been accused of the removal of Stipendiary Magistrates. It was said they had removed ten of the number in consequence of their dislike to that most useful and valuable body of men; and it was in order to defend himself and the Irish Government from that charge, and not with the view of inculpating the noble Earl, that the statement he (Lord Fortescue) referred to was made by the Home Secretary. The facts of the case, however, were these: —When the present Government came into office they found sixty-six Stipendiary Magistrates in Ireland. On looking at the late nominations, they found that the estimates for 1841, which were printed by order of the House of Commons on the 7th June, 1841, provided for fifty-nine Stipendiary Magistrates. They thus found that seven Stipendiary Magistrates had been added, between the 7th June and 28th August, 1841—the day on which the noble Viscount opposite resigned his office and the late Government ceased to exist. One of these Magistrates was appointed on the 15th of June; two were appointed on the 28th of July; two

on the 6th of August; one on the 16th of August, and one on the very day of the termination of the existence of the Government, namely, on the 28th of August. Under these circumstances, notice was given for the removal of ten, which had probably given rise to the belief that ten had been dismissed; only seven however, were dismissed, reducing the number to the fifty-nine for which the House of Commons had given a vote; there were at present sixty; therefore, Her Majesty's present Government had now one more than there were during the years 1839, 1840, and 1841, up to the 15th of June. He thought, therefore, Her Majesty's Government were not liable to the imputation of having wished to set aside what no one who had seen even the little of Ireland which he had, but must know to be a most valuable body of men. Since Government came into office, from what cause he did not know, four vacancies had taken place, which had been filled up by four of the gentlemen who had been originally appointed by his noble Friend (the Earl of Fortescue), and removed by the present Government for the reason he had stated. One of the seven, he understood, had since died, and there remained therefore, only two others. With a view to making this clear, and of defending Ministers and the Irish Government from the charges which had been made against them, the statement was made in the other House. There certainly was a discrepancy in the accounts of this transaction, as the noble Earl had stated. The noble Earl said, that Gentlemen high in office ought to be very sure of their facts before they made their statements. He was not aware that there was any difference of facts between the right hon. Gentleman and his noble Friend, excepting that his noble Friend said, he did not appoint seven in addition, but that he appointed seven, there having been three vacancies. He had no doubt he believed what he said, he said that there were only three vacancies to be filled up; but if that was the case, how came the number to be sixty-six? because, according to Cocker, if you added seven to fifty-nine, that would make sixty-six, which was the number which the present Government found when they came into office. He was speaking from information only, for the matter was not in his department; but certainly he must say that the facts stated by his right hon. Friend in another place remained uncontradicted, and they were brought forward to show that the Government were not indisposed to entertain the highest opinion of the worth of this body of men, nor acted by any illiberal desire to set aside the persons appointed by their predecessors. Having disposed as far as was in his power, of this comparatively minor point, he would address a few observations to their Lordships on the question before the House. When he looked at the terms in which the notice had been framed, he agreed with his noble Friend the Lord President of the Council, that there was little in the terms themselves to call for any difference of opinion. They certainly had been led to imagine that the motion in terms would have imputed blame, more or less, to Her Majesty's Government, for their conduct in the late proceedings in Ireland. The Government fully expected it; but if any one ever had that intention, it must have been changed owing to the proceedings that had lately taken place. But although the terms of the motion did not impute blame to Her Majesty's Ministers, that implication was amply made out in the speeches in that House, particularly in the speech of his noble Friend who had introduced the motion. Any one, judging of the motion, would have thought that the late proceedings and events would have been passed over as to their propriety or otherwise; that the main objects of the speech introducing the motion would have been to show how Her Majesty's gracious intentions with respect to Ireland were to be carried into effect; how the improvement of that country was to be advanced; how the security of the subjects in that country was to be obtained. One would have anticipated from a statesman that some great, comprehensive speech would have been made, instead of which the speech of the noble Marquess was utterly barren of measures, and fruitful only in crimination. Her Majesty's Ministers had propounded their measures of improvement, namely, the Land Commission—the increased grant for Education—the new Registration Bills—and the means of providing, by a new Act of Parliament, for religious purposes, and for glebe houses and glebes to the Roman Catholic Clergy. Those things had been stated; they had been well received by their Lordships; and they had been admitted to be important matters, seeing that they embraced,

as he believed, a majority of the grievances that had been dwelt upon with the greatest force in Parliament, and with the greatest virulence at these monster meetings and other public assemblages that had taken place. In addition to these he wanted to know what it was that had been propounded—what were the other things that had been called for? The payment of the Catholic Clergy was a very old subject of desire by one party, of deprecation by another. His noble Friend, however, in the course of his speech, so far from proposing that, admitted most justly, that whatever opinion he might have on that subject, this was not a time when it could with any advantage be proposed; and certainly, if it were a valuable and good measure, nothing could be worse than to propose such a measure at a time when it was not likely to be successful. This measure of the payment of the Catholic Clergy formed one of the wings, as they were called, of the Catholic Relief Bill. When the Catholic Emancipation Bill was introduced by his noble Friend behind him, it was admitted on all sides of the House, that he acted most wisely in limiting his measure to Catholic Emancipation alone. [The Marquess of *Lansdowne:* One of the wings was carried.] He hoped the noble Marquess would allow him to deal with his wings in his own way. Most undoubtedly the Catholic Emancipation Bill was accompanied by one of its wings—the measure for the abolition of the forty-shilling freeholders. The noble Duke, however, was, in his opinion, quite right in not accompanying the Bill with a provision for paying the Roman Catholic Clergy, for any attempt to append to it such a provision, would have defeated that great measure. With regard to the Church funds, various propositions, it seemed, had been made. There were certain parties who called upon them for something like equalization in religious matters. That appeared to him a preposterous proposition. If they were prepared to say that the voluntary system should alone prevail in Ireland—if they were prepared to argue that the Church Establishment in Ireland must be abolished, and put down without endangering other Establishments, that might be equalization; but he defied the noble Marquess to show how, maintaining a shadow of the Protestant Establishment of Ireland, they could effect this equalization. With respect to seats in their Lordships' House—who would dare to name to the people of this country or the Protestant people of Ireland, that Peers of Parliament named by his Holiness the Pope, should take their seats in Parliament? Yet there would be no equality without. If the Church of Ireland was to retain a shadow of what it was guaranteed to be by the Act of Union nothing of this kind could take place. The agitators of Ireland had never treated the question in that way; they were for sweeping the Church away altogether: the voluntary system was their panacea. In fact, all these concessions would be in vain and perfectly useless, and would consequently be thrown back in their Lordships' faces. No such thing as equalization of Churches could be accomplished if it were tried. The Act of Union forbade anything of the kind—that act which, confirming former acts, gave a solemn recognition and guarantee of the Irish Establishment. The Act of Union it was the intention of Her Majesty's Ministers to support, it was their determination to uphold the Established Church, and they would oppose any measure that could destroy, or injure, or impair it. There was ample room for timely legislation towards the Roman Catholics of Ireland, and he was quite sure Ministers had every disposition to consider anything that could be done for that numerous class of Her Majesty's subjects in Ireland. There were several minor matters alluded to by a noble Marquess opposite, which he would not detain their Lordships by noticing at any length. He alluded to emigration, railways, and other public works, and so forth. With respect to the question of emigration, he had not a doubt that it was a good; but to indulge in the habit of considering it as a means of national relief appeared to him to be chimerical; for how were they to convey any sufficient portion of the 2,000,000 of the people who were described as being paupers across the Atlantic, and if they did, would not the increase of population go on as rapidly as ever, so as to fill up the vacancies thus created? He looked with somewhat more expectation to public works, for he knew that the more the roads and railways were improved in Ireland, the more employment there would be for the industry of the people, and, if agitation were to cease, peace and quietness would enable the people to apply themselves to industry—and

an industrious people he could say that they were—and by such means the growth of Ireland would become conspicuous. He should wish to say a word or two upon some topics alluded to by the noble Marquess, certainly in that light and good-humoured manner which belonged to him, yet he had uttered, with a smile on his face, a great many hard things on account of the hostility to Ireland, which he imputed to the Government—but he did not think that he had made out his case. The noble Marquess said Her Majesty's Government had denied Ireland equal rights; that was something solid and substantial, he conceived; yet the noble Marquess did not explain what he meant in any part of his speech, which, indeed, had more of declamation than argument in it. What was the meaning of the charge?—Were not the laws of the two countries the same, and he trusted that they were fairly administered? He did not think that the noble Marquess was one of those who considered it a denial of equal rights that the Irish had not 200 representatives instead of 105. The noble Marquess did not say, that he thought so. If the registration had dwindled away, that had been through causes over which the present Government had no control—it had dwindled away in the time of their predecessors. So far from there having been any indisposition on the part of the present Government to deal with this subject, they had declared their intention to introduce a bill to remedy the evils which had arisen from the interpretation put upon the law, which had so greatly diminished the number of voters in Ireland. But rights, it was said, had been denied to the people of Ireland. He wished he could learn what rights belonging to the people of Ireland had been evaded or denied to them by Her Majesty's Government. Had the Government interfered with the course of justice or the administration of the laws? There was a great deal said about challenging the juries, but he believed that system was done away when his noble Friend (the Marquess of Normanby) was Lord-lieutenant of Ireland, and the juries were chosen now just as they were during his government of that country. They had been told that they had made improper appointments to the judicial Bench. He apprehended the learned Gentlemen who had been so elevated were well qualified for their important functions, and he wanted to know whether a gentleman was not to be put on the judicial Bench because he might have made in Parliament or elsewhere a speech or speeches which might have been distasteful to the Catholic hierarchy? That came with bad taste to them from a noble Marquess, who, unless he was greatly belied, had offered the office of Master of the Rolls to Mr. O'Connell. He had no doubt the noble Marquess was quite ready to justify that step. ["Hear, hear."] Then, the noble Lords had no right to assail the present Government for their one or two appointments. He (Lord Haddington) held such a charge as cheap as possible. Let the noble Lords explain how and in what respect any rights had been denied to the Irish people. In regard to the enjoyment of equal rights by the different classes of the Irish people, that depended not upon the Government; it depended upon the state of society in Ireland. Those were matters over which the Government had no sort of control. They had next been accused of inconsistency in dealing with the monster meetings and more particularly with the final meeting or intended meeting at Clontarf. It had been said, that two courses were open, and that the manly course would have been to have prosecuted the first meeting at which improper language had been used, which would have put a stop to these meetings: that they had not taken that manly course, but had supposed the meetings would work themselves out. But the Government had not been absurd enough to imagine when they saw those meetings one becoming more violent than another, that they would work themselves out; but they had thought it best to give the parties fair warning of the impropriety of their conduct; and that had been done in various ways. In the first place, most of the parties read the newspapers, and must thence have known the opinions of all parties in England on the subject of meetings of that kind,—that they were improper and illegal. Then came the much-abused discretion exercised by the Lord Chancellor of Ireland in dismissing the Magistrates, and he maintained, that the Government were perfectly justified in the course which the Lord Chancellor had adopted. He meant to say, that Magistrates who would go to meetings of that sort, having such objects, attended by such numbers of persons, and carrying

with them so much possible risk to the public peace, and endangering the fundamental principles on which society was held together—he meant to say, that Magistrates who attended such meetings could not be trusted for contributing in their official capacity to put down excesses which might be created by the excitement caused by such assemblages of the people. He repeated, that he had no doubt at all of the propriety of the measure. He thought the noble Marquess would find it much more difficult to justify many of his dismissals. If, as the noble Marquess said, they had looked to this agitation with the idea that it would wear itself out, surely it was time, when the Clontarf meeting was announced, that they should be cured of that delusion. Mr. O'Connell, at Mullaghmast, had declared his intention of holding six or seven meetings: the Clontarf meeting was ushered in by a proclamation and species of military array that rendered it high time to interfere. He thought it had been clearly shown to their Lordships, that not a moment's time had been lost. The Lord Chancellor was sent over immediately to Ireland. As soon as he arrived the Proclamation was issued. It was published at two o'clock on Saturday, and by four o'clock of that day there was no reason why it might not have been known all around the neighbourhood where the meeting was to be held, and that was as good as if a month's notice had been given. The Government couriers or messengers, who carried the Proclamation into the localities adjacent to Dublin, were on foot and at work an hour before Mr. O'Connell's messengers went on the same errand. He did not deny the attempts of Mr. O'Connell to keep the peace, and was disposed to give him full credit for them. He thought a breach of the peace would have been the worst thing that ever could have happened to him; but they were alarmed by the influence obtained by that individual. When he said there should be peace, there was peace — and at all those meetings there was only an old woman's fruit-stall kicked over. But what if he had proclaimed there should be war—that the time had come when they should abjure peace—what, if he called on them to remember 1798, to remember former instances in Irish history, some fabulous and some true? Supposing all this could be done, a man who had this power might use it dangerously. But at Clontarf he admitted that he had the power, and that he had exercised that power well it were vain to deny. One of the noble Marquesses (the Marquess of Clanricarde) who had spoken the other evening, had complained of the manner in which these parties had been brought to justice; he had complained of the principle on which they had been arraigned: he complained that they had been arraigned for conspiracy; he did not contradict the law as it was laid down by the learned Lord Chief Justice; but at the same time he had said that it would not be understood by the people of this country; and that it would have been better to have arraigned them for the meetings at Mullaghmast, at Tara, and at Clifden, to have prevented these meetings, than to have waited for the meeting at Clontarf. Was the noble Marquess sure that the Government would have run no risk in arraigning the meeting at Mullaghmast? At Dublin they had the garrison on which to rely; but at Tara, at Mullaghmast, and at Clifden, they had a very small force to put down any outbreak, and supposing the people had taken it into their heads to resist, what would have been done? Were they to proclaim, and do nothing? They must have proceeded, and have been prepared to be assailed by that magnificent infantry which Mr. O'Connell had eulogised, superior, it was boasted, to the troops which his noble Friend behind him (the Duke of Wellington) had commanded at the battle of Waterloo. It would have been unwise to have moved with a small force; if they had, they would probably have led to bloodshed, and then he would like to have heard the language of noble Lords opposite. Would not the cry of Peterloo have been revived?—would they not have been told of the cruelty of destroying the people at a peaceable and loyal meeting convened for a lawful object? As it was, it did not appear that the jury were satisfied upon the illegality of the meetings; they declared the traversers guilty of conspiracy, but not for attending unlawful meetings; and had the Government relied only on the illegality of the meetings, in the result, instead of vindicating the law, they would have been defeated, and in all probability they would have been obliged to come to Parliament and say, "The law is not sufficient; we cannot vindicate the law, and

we come to you for further powers to enable us so to do." However, the indictment was for conspiracy, or, if they preferred it, a combination—not a secret combination, because things were not now done in that way, but a combination to carry certain objects which were lawful by unlawful means. He said, then, that the Government stood vindicated before their Lordships, as he would take upon him to say, they were in the opinion of the people of England, in the course they had taken; and it would always be a source of satisfaction to the Government that they had done all that they could for maintaining the public peace, by the ordinary aid of the law. They might have prosecuted for seditious speeches; it was very difficult, however, to fix precise words, and of what value would that be, to avert an evil of such extent and magnitude. Suppose they had indicted the persons for violence of language; God knew this violence was disgusting enough, to see the manner in which all men and all things were spoken of. Some who ought to have known better, ought to have been ashamed of the manner in which they had spoken of the noble Duke behind him. It was enough to create disgust in every human creature. But it appeared from something that had been stated elsewhere, that the Government had acted in a very cruel manner towards the traversers, in having prosecuted and convicted them for violence, and for exciting the people to hatred of this country; and then with having acted with great inconsistency in being associated in their Ministry with one remarkable for his hostility towards Ireland, and the right hon. Baronet at the head of the Government had been accused of putting his noble and learned Friend on the Woolsack, on account of his abuse of the Irish and his hostility to Ireland. He had never in his life read an accusasation with more indignation. In the first place, the attack on his noble and learned Friend was a foul calumny; no one who knew his noble Friend—no one who was in that House—could accuse him of being the enemy or hostile to any human creature; there never was a person less liable to the charge, or of a more generous or temperate disposition. ["Hear."] He begged pardon of his noble Friend for having thus spoken of him in his presence, but every Member of the Government had a right to feel that this was an imputation upon the right hon. Baronet who formed the Government, and on his Colleagues, for a connivance at it; and he thought, that the imputation, that the right hon. Baronet had made his noble Friend Lord Chancellor of England because he was hostile to a large portion of Her Majesty's subjects, used language which went beyond all his experience of party attack. It was language which he did not like to hear, it was an imputation which he had heard with regret, and those who had used it ought to regret that it had been made. Language of this kind was little likely to heal the wounds of Ireland. The noble Lord who had spoken the other evening from the cross-benches (Lord Howden) had pointed out the mischievous effect of a motion of this sort, by its placing difficulties in the way of the Government and on the tranquillity of Ireland. It contributed to keep up that angry spirit which all desired should have an end. It would, however, be the business of the Government to continue, as they had hitherto done, maintaining and upholding the supremacy of the law, and leaving no legitimate means untried—which appeared to them likely to tranquillise and conciliate the people of Ireland.

The Marquess of *Clanricarde* wished to say a few words in explanation. He had been misunderstood as having mentioned an equalisation of the Protestant and Catholic Churches. He did not say a single word on that subject, which was one of so much importance that he would not express an opinion till after mature consideration, and certainly would not introduce it incidentally. He had also been misunderstood on the subject of emigration; he had not recommended emigration, but he had said that it was no use appointing a Commission unless they intended to consider the subject as part of a combined and detailed system for the relief of the pauper population of Ireland. Neither had he said, that the Government could have prosecuted those who had attended at Tara and Mullaghmast as well as at Clontarf; they had not prosecuted those who attended at Clontarf or any other meeting, and he had not said that even these meetings were illegal. He had certainly said, that the charge of conspiracy was one of such a constructive nature, that it would be generally odious to the people of Ireland, and opposed to the feelings of the people of this country, and he had said

distinctly that the other meetings might have been stopped just as the Clontarf had been—by proclamation. But when he had referred to a prosecution for seditious language, he had not taken upon himself to say, that such a prosecution could have been carried on, or that seditious language had been uttered. In the Government proclamation, however, for putting down the Clontarf meeting, it was said that seditious language had been held at previous meetings; if this were true, and the Government ought not to have proclaimed it unless it were true, then he said that for this seditious language, the person who had uttered it ought to have been prosecuted.

Earl *Fortescue* rose to explain the statement relative to the stipendiary magistrates appointed immediately preceding his retirement. He would name three persons who had caused vacancies. Captain Hay had resigned, and had left Ireland; Mr. Roche, at his own request, had been permitted to retire; and the third, an old man, had been displaced; his name it was not necessary to mention. Those three had been withdrawn from the bench between the 15th of June and the 28th of August, and four additional magistrates had been appointed at the pressing request of particular districts. He might thus have increased the number beyond those of the preceding year, but it had been the practice of himself and his predecessor, when well-established cases were made out, to appoint Stipendiary magistrates.

The Earl of *Huddington*: That would have made the numbers 63, and not 66.

Lord *Monteagle* said, that he could not help thinking that the appointment of stipendiary Magistrates formed but a very small portion of the subject now under consideration; at the same time, he considered that his noble Friend who had lately filled the office of Lord Lieutenant of Ireland was not only justified in giving, but was compelled to give, the explanation which had just fallen from him; because it was not in the suggestion of the appointment of a greater or fewer number of stipendiary Magistrates that the sting of the charge consisted, but in the imputation that at the period of the breaking up of the late Government his noble Friend, for the purposes of a low and corrupt patronage, had taken the opportunity of adding to the number of that force, a force which he was rejoiced to hear not only vindicated but praised by all sides of the House. On that subject he thought that the vindication of his noble Friend afforded an answer complete and triumphant to those who did not know his character —for to those who did, any justification was wholly unnecessary—because he had shown that those additions had been made either on vacancies previously existing, or on the demands of the local Magistracy. With one observation more he would dismiss this point. Whilst the noble Lord claimed credit to the Government for their disregard of patronage, more especially in selecting for appointments those officers who had been previously appointed by his noble Friend, he fully justified those previous appointments —for however reckless of patronage the Government might be, he could not believe that they would carry this principle to so romantic and extravagant an extent as to make appointments of improper persons, merely because they had been previously selected by their predecessors. With respect to the terms of the motion he would say a few words. The noble Lord, who had just sat down, as well as the noble President of the Council, who opened this debate on the part of the Government in a manner which, politically opposed to him as he was, and differing from his views of Irish policy, he must yet admit to have been entitled to the praise of being in a conciliatory spirit, and to which he was, therefore, most ready and willing, and anxious to render every justice—both those noble Lords stated, that to the terms of this motion they would have no objection, were it not for the speech which introduced, and the inferences which had been drawn from it. If this were so — if his noble Friend, (Lord Normanby) who understood Ireland as well as any Ex-Lord Lieutenant, had embodied in this resolution his views of the spirit in which we ought to carry on the Government of Ireland, and the noble Lords opposite admitted, that such was the spirit in which they also desired to carry on that Government, — was it not singular that the results of the government of the noble Lords opposite, and of his noble Friend, should be so very different? Must there not be something required beside parliamentary declarations —something beside the spirit in which the Government was professed to be carried out,

to account for the lamentable discrepancy between the state of Ireland, under the Administration of his noble Friend, and, he would not say its present state now, but the state in which it had been for a considerable time after the accession of the noble Lords to the Government? It was stated by the right hon. Baronet, who was now at the head of the Government, when he came into office in 1839, that he felt his greatest difficulty would be Ireland—he did not allude to that memorable declaration in a reproachful or a hostile spirit; it was made in a previous Parliament, and it was now a matter of history. Soon after Sir Robert Peel's acceptance of office, and found Ireland in a state of tranquillity, and when Ireland continued in a state of tranquillity for some considerable time he (Lord Monteagle) heard it a frequent boast on the part of the Members and Friends of the Government, that that which had been anticipated to be the greatest difficulty in his way was in fact no difficulty at all, and that Ireland continued in a state of as perfect tranquillity under the present Government as it had been under their predecessors. During the first year of the present Administration, troops had been withdrawn from Ireland for the purpose of aiding in the preservation of the peace here, and at that period it was the boast of the Friends of Government that Ireland was in a state of perfect repose. How was this to be accounted for? Why, because in human and political affairs effects survive the causes which produce them. The effects of mis-government and of evil councils, too often survive the causes which have produced them; and, on the contrary, habits of peace, order, and respect for the law are so obviously beneficial in themselves, and communicate such great blessings to the people, that it requires strong impulses and irritation to put an end to the good which a Government, wise and popular, has once produced. Therefore, with respect to the tranquillity of Ireland in the early part of the present Administration, it was but an additional tribute offered to the mode in which Ireland had been governed by their Whig predecessors. But it was soon otherwise. Before he approached this part of the subject he wished to say, that he was far from raising any argument against the military precautions of the Government, that he did not complain of the extent of the force employed in Ireland; though he might raise an argument from this fact, as to the exciting cause which rendered so large an amount of force necessary, yet in the present threatening state of the country, which he was not prepared to deny, he was satisfied that the Government had done no more than their duty in providing to the uttermost for military defence. He was persuaded that in saying this, he was not only speaking the opinion of the class to which he belonged, and of the friends around him, but he believed he was asserting that which would be generally acquiesced in by the Irish. He knew that the military force employed in Ireland, was so far from being unpalatable and displeasing even to those who were considered the most discontented classes, that there was no measure on the contrary more popular in Ireland than an increase of its military strength. On that point, therefore, he had no complaint to make; and he had further to observe, in relation to the legal proceedings which had lately taken place, he was far from denying that the Government had taken a right step, and had fulfilled its duty in resorting to the ordinary law of the country, rather than to the cheap, vulgar, but in ancient times the accustomed mode of coming to Parliament for increased powers. On this ground therefore, also, he had no complaint to make against the Government, on the contrary, he felt bound to pay them a tribute of acknowledgment for the course which they had taken. But, if the noble Lords opposite, were disposed to govern Ireland on terms of perfect conciliation—if they differed with this side only in degree, how came it to pass, that they did not succeed In keeping Ireland in a state of tranquillity? The cause struck him to be simply this—They had not the confidence of the mass of the people of that country. He would admit, that in one sense, with respect to confidence, it was the same in one respect with the Government of which he had been a Member. There were, unfortunately, in Ireland two classes of persons. Did they (the Ministers) think that anything that we (the Opposition) could have done, when in Government would have secured the confidence of the noble Earl (Lord Roden) who spoke last night, or of that class who claimed for themselves, he thought unjustly, the exclusive title of the Protes-

tants of Ireland. If we made them all Archdeacons of Armagh—if we perpetrated in behalf of every one of them, such a job as was perpetrated last year for one favoured and highly-beneficed clergyman, they would not be contented, because they were resolved not to have confidence in us. The present Government was in the same position, though more justly with regard to the great bulk of the Irish people. They might wish to administer the affairs of that country in an upright and impartial spirit, and he gave them every credit for the sincerity of their intentions, but they could not possess the confidence of the great mass of the people. The two great parties in the State were thus in some degree in the same position. But there was this difference between them—the party which now governed did not possess the confidence of that division of the Irish people which was incalculably the most numerous, the most excitable, and the most suffering. Was there not a cause for this? If there were not, we should be left without hope. If we traced effects to their causes, we might discover some reason not to despair of the future state of Ireland. The noble Lords would excuse him, and would not, he hoped, think he was treating them with disrespect, because in the language of frankness and simplicity, he told them, they had not the confidence of the Irish people, because they had done nothing to deserve it. Their political conduct during the last ten years, had been such as to deprive them of that confidence. He would go into the proofs. The last ten years had been eventful years in Parliamentary history. During those years measures of great importance had been discussed in both Houses of Parliament; and in what spirit were those measures proposed on the one side, and discussed on the other? Look to them—one and all—look at them as proposed and dealt with year after year, you who complain that you do not possess the confidence of the majority of the Irish people—you philosophers, who may wish to trace events to their real causes! Look to the discussion on Parliamentary Reform, to the discussions, on the Irish Franchise! Look to the generosity with which these measures was proposed on the one side, and the suspicion reluctance which they was assented to on the other! Look to the Municipal Reform Bill! The noble Earl said, that he was in favour of equal rights between the two countries. If he did not know the excellent understanding and the retentive memory of his noble Friend, he should have thought that the history of the last few years had been to him a perfect blank; he could not imagine that he, as a lover of equal rights, could have been acting for years with that party which allowed equal rights between England and Scotland, but when the same rights were asked for Ireland, turned round, and said, "Other parts of the empire may be deserving of municipalities; from our confidence in the soundness of their principles they may be entrusted with the performance of those functions—but you, the Irish, are unworthy of such franchises,and we will not give them to you." And what was said by some others of the party? "We do not object to give Corporate Reform to England and Scotland; but those Corporations are in Ireland the bulwarks of the Constitution, and of the Union, and we will not substitute Catholic for Protestant Corporations,"—thus making religion a bar to those civil rights to which his noble Friend thought the people of Ireland entitled. Surely, the noble Earl must for the time have lost his memory when he thinks that the Irish people have been treated on terms of equality. But, my Lords, it must be admitted that you afterwards changed your tone, altered your course, and abandoned your position! And what did you then do? When you saw that the position in which you endeavoured to remain, was no longer tenable, did you frankly, generously, and wisely concede to the Municipalities of Ireland the same rights and privileges as you did to those of this country? No, you pared down their franchises; you restricted their duties, and if you complain now that the power of those municipalities has been applied to other purposes than those for which they were bylaw constituted. ["Hear," from the Duke of *Wellington.*] (He objected as much as the noble Duke to that application of them) you have only yourselves to blame for this result. You employed so much astuteness in depriving the Irish Corporations of any power of doing good, that you have only left them to choose between, what was worse—an activity for mischief. Had he not thus proved both his positions? Did not all the propositions made by the Conservative party in both Houses, imply distrust of the

Irish people, and, therefore, you are now so justly repaid by the loss of their confidence; and do you now expect to be believed and forgiven, when you say, that they are entitled to the same civil rights with the other portions of the empire? Was that all? No such thing. When the subject of Education was alluded to, in this debate, the Government came forward and claimed, (as he admitted they were fully entitled to claim), great credit not only for what they were now doing, but what they had done last year; but when he was dealing with the question of confidence, he must ask, Did they remember how this subject of Education was dealt with when it was originally introduced? In the observations of the noble Earl last night, whom he was sorry not to see in his place now, they had pretty strong evidence of the mode in which the question was still dealt with by their eager partisans; but more conclusive evidence had been given when the Irish system of Education was first proposed. Then it was treated as if the Protestants of Ireland were insulted and ruined, and religious men in Ireland were taught to believe that the object of the Government and the consequence of their measures was to deprive the Protestants of their Scriptures; and multitudinous meetings — he would not call them monster meetings, though they were equal to any of those lately held— were called, at which certain persons of station and influence, asked whether the people would tamely submit to be robbed of their Scriptures? whereupon a given number of Bibles were taken out of a given number of pockets, and the people declared they never would allow themselves to be robbed of the Sacred Volume. But it was not only among the warm people of the north of Ireland, it was not at Pettifriland alone, that such language was used. Even within the walls of this very House—in this Temple of Justice—in this the first Tribunal of the land, a sentence too eloquent to be forgotten, and too remarkable to escape the memory of any noble Lord who had heard it, was pronounced in reprobation of the Irish system of Education by one of the learned Members of the reverend Bench, who uttered the pious, and he had no doubt sincere prayer, that it might never come to pass, that by reason of the irreligion and iniquity of that system he should hear that denunciation pronounced against the Sovereign of this country, which had been pronounced against a Jewish Sovereign—"Because thou hast renounced the Lord thy God, so have I renounced thee from being King over Israel." He gave this as a specimen of the mode and manner in which Irish affairs were discussed even in this House, he was now demonstrating the injustice of the charges against the Irish system of Education, for he was now defending it as proposed by the late Government, and as adopted honestly and generously by the present. The noble Earl (Earl of Haddington) had said, in reference to the payment of the Roman Catholic Clergy by the State, that although the question was one which might be right in itself, yet it was one of those which might be marred by a premature discussion. In that, he (Lord Monteagle) quite agreed with the noble Earl; but on looking back through the history of the world, would not the noble Earl find, that if some questions had been marred by premature discussions, others had been ruined by a too late concession? Now, that was to some extent the case with the Education system, which, if carried at the right time, might have been a blessing to Protestants and Catholics alike. But it had been found, the question of Education was a most advantageous one on which to fight a party battle. It was therefore made a party question, and the party of the present Government had undoubtedly agitated it most successfully against the late Government, but their crime was now revisited upon themselves in tenfold punishment. Even if when the present Government had seized the reins of power, Ministers had at once conceded the question of Irish Education, good might still have been done, but they hesitated, they deliberated, and, if their Lordships would permit the application of a familiar passage, he would say that in such a case the Statesman, "who deliberates is lost." They hesitated, and the majority of the Irish Bishops, with the Archbishop of Armagh at their head, and nearly the whole of the clergy—many of the best—some of the most sincere—many of the most earnest clergymen in the country, were left in the dark; they were allowed to continue in ignorance of the intentions of Government for upwards of a year, they withheld their co-operations

from the national system, and some even used all their exertions, hoping by perseverance they might overthrow the system altogether, or at all events, obtain the countenance of the Government to a rival one. Their Lordships would remember, that petitions flowed in in thousands, and all prepared and presented by the friends of the Government. Still the Government maintained their timid or their obstinate silence. He admitted, that the ultimate determination they arrived at was a proper one; it was just, but it came too late to repair many of the mischiefs which had been occasioned by their long delay. Again, in considering the causes of the distrust felt towards the Government, let him ask, was it just, nay, was it prudent, to designate and mark by opprobrious names, as if they were tabooing the whole of one section of the Members connected with Ireland. The law recognised not a jot of difference between any of the Members of either House—they were all Members of the Imperial Parliament, and all equal; yet an attempt was made to undervalue and discredit the majority of the late Government, because it was, as it was called, a mere Irish majority. That was a most unfortunate argument, for if there was one point on which the Irish people felt more sore than another, it was the thought of being looked down upon—undervalued, as though not worthy of being classed with, and belonging to the great community of the nation. The cry against the Irish majority was a most unfortunate one and was one of the most fatal causes for producing dissatisfaction and discontent. Ireland not only had her poets, but the whole people might be said to be poetical, and they were as soon and as easily irritated, as was proverbial with that irritable genus, and they could not but feel acutely the sarcasms and the sneers constantly raised against and thrown upon Irish majorities. The noble President of the Council (Lord Wharncliffe) had been driven into a lamentable admission, when he acknowledged that the Ministry were governing Ireland through the minority of her people. He said true, it is so, but we have the majority in the other two countries. Was not that a very awkward argument to send forth to Ireland? It said, "No doubt the great majority of the Irish people are against us, but we have, as it were, a writ in aid, from the people of gland and the people of Scotland, to govern you." But was it only the Irish Members who were attacked? No, the Irish people were attacked. But above all, their religion—the religion of the great bulk of the Irish people, together with their priesthood, were attacked virulently, and year after year accusations of the most gross nature were brought against the College of Maynooth,—accusations, of which, if one-tenth were true, it would have been a deep and foul disgrace to those Protestants who were made visitors of that College by the law. He had a perfect right to allude to that which had passed in debate in that House, now that it had become matter of history; but he was unwilling to say anything that would be likely to introduce any personal acrimony on that occasion; it was enough for him to say, that there had been attributed to the highest authority in that House terms which were considered painful, offensive, and insulting to the whole mass of the people of Ireland. He was quite aware, that explanations had been given on the subject, he could only say, that whether from dullness, or from whatever other cause, he did not think that the explanation palliated or excused the original offence. But whether the words were meant in the original sense or not, they were so understood, they were repeated throughout the length and breadth of the land, and, without doubt, they had not lightly contributed to exasperate a most sensitive people. The name of Mr. O'Connell had frequently been mentioned in the debates of this House during the last ten years. Great efforts were made to represent Mr. O'Connell in the most odious light throughout England; and, having partly succeeded in that object, the next great and paramount object of the then Opposition party was to connect him with the late Government. That was part of the tactics of the party. He (Lord Monteagle) would not then stop to enquire whether Mr. O'Connell was right or whether he was wrong, but he would not disguise his opinion, if a proper time arrived for stating it; but they found a man who possessed more of the confidence of his fellow-countrymen, who filled a greater space in the minds of the people, than any other man either in ancient or modern days—he would say a larger and more irresponsible power than any man ever wielded since our Parliamentary history began—and he would assure their Lordships, that

it was a larger and more irresponsible power than any man ought to be possessed of—still, they found the man in that position, the master and the idol of the multitude, and he was made the subject of incessant vituperation, of constant and unceasing attack — nay, even their Lordships added immense weight to his already overgrown power, for so cordially had they brought their minds to hate him, that let a measure come before that House, be it what it might, the fact, or even the suspicion, that it had received the support of Mr. O'Connell was quite enough to insure its rejection. Noble Lords opposite even where they condemned Mr. O'Connell's power, made themselves his slaves, for he had only to express his approbation of any measure before Parliament, and it was rendered imperative on them to record their dissent. Now, was it wise, he would ask, to continue the abuse of such a man for the mere purposes of raising a party cry or swelling a party vote—was it wise to irritate an individual so situated, and through him to irritate the great mass of the people of Ireland, who revered him? The noble Lords certainly had, by these and similar means, secured their accession to office; they had obtained their whistle, but they paid, and were paying too dear for it. He could not go from that part of the subject without alluding to the observations which had fallen from the noble Earl with respect to the offer made to Mr. O'Connell of the Mastership of the Rolls. With respect to the offer of that appointment, he might say, look at your own, justify them if you can. But this would only be a *tu quoque* argument. He highly approved of the offer of the Rolls to Mr. O'Connell at the time, and he was perfectly ready to admit his entire approval of it now. But were there none of the party of the Government now in power of their friends, who approved of that offer when made, and who deeply regretted its rejection? He could assure their Lordships that there were many Conservatives of both Houses, who would have thought it the greatest of all blessings for the country if the learned Gentleman had thought fit to accept the situation, and fill a position for which his talents so eminently fitted him. Remember, he was not proposed to be made a Criminal Judge, he was not to be placed upon a bench where politics came into discussion, but in an Equity Court, where equity was administered to all—to Protestant and Catholic alike. He (Lord Monteagle) deeply regretted that the offer was not accepted. He did not regret that it had been made; he was glad that it was avowed, and he was perfectly ready to bear his share of the responsibility. He must guard himself from any inference which any of their Lordships might draw from what fell from him, that he approved of Mr. O'Connell's recent proceedings — nothing was further from his feelings. No one was more opposed than he was to the bold and violent system of agitation which had lately disturbed Ireland; and he was still more hostile to the cry which had been got up for the Repeal of the Union. But this should not betray him into any invective or personal attack. It was his fate, under Lord Grey's Government, in April, 1834, to have to reply to the hon. and learned Gentleman upon the same question; he considered it an honour to have been so trusted by the Ministers, under whom he then served, and he did not shrink from the task; but he would never make use of his privilege as a Peer to vilify and attack a man, who was absent, and who with all his faults, was the object of deep veneration to his countrymen. In saying these words in relation to Mr. O'Connell, their Lordships would readily believe, that it proceeded neither from gratitude for past, nor from hope of future favours. He owed no gratitude to Mr. O'Connell, for it was only last year that he went home and found that the learned Gentleman had denounced him as the long and ever-to-be enemy of his country. Some noble Lords might consider such denunciations as matters of trivial importance, but certainly they could not infer from them, that in what he had said in reprobation of the course of personal attacks made in that House on Mr. O'Connell, he could be influenced by any private bias. Another mode in which the people of Ireland were deeply insulted, was the mode in which the Irish appointments made by the late Government were received. Three gentlemen of high attainments, of great accomplishments and learning, and of unimpeachable character, were appointed to office, Mr. Sheil, Mr. M. O'Ferrall, and Mr. Wyse. The manner in which those appointments were received, created a greater movement than any measure short

of what the repeal of the Emancipation Bill could have done. What was done by the West Riding Reformation Society? If the Cabinet wished to inquire into that matter, let them ask the President of the Society, who was also President of the Council. The Conservative party had their agitators too, and they called for their fasts and prayers to ensure the safety of the land, because a Roman Catholic had been sworn in at the Privy Council Table. It might be alleged that Ministers had nothing to do with these proceedings, but if a great political party adopted the follies of their friends, above all if they profited by them, those faults and follies became their own, and they became responsible for them. His noble Friend (Lord Haddington) talked of equality of rights, and were pleased to say how desirable it would be to communicate them. He was glad to hear him, for there was joy over the repentance of a political sinner; he would willingly accept the repentance of any of the noble Lords opposite, and he trusted it would be for their temporal and spiritual benefit. But when he remembered the bill which was introduced for the purpose of restricting and limiting the Franchise in Ireland—when he recollected the manner in which that Bill was seized upon by party for the purposes of party—he could not but say that the people of Ireland had been made the victims to party warfare. The introduction of that most unwise bill caused an immense ferment amongst the masses of the people; but party purposes having been now served, he was glad that justice was about to be done, and the franchise extended. He need scarcely refer to the Irish Arms Bill; no doubt, the opposition it met with, was somewhat exaggerated; but that opposition it met with led to many important modifications of the measure. However, he did not think it tended to strengthen the confidence of the people in the Government. [The Earl of *Haddington* was understood to say that it was never intended to do so.] He was obliged to the noble Earl: but certainly he was rather surprised to hear the admission.

The Earl of *Haddington* observed, that he had been misunderstood: what he had said was, that the prolonged discussions were not occasioned by Ministers [*No, no.*] He assured noble Lords, upon his honour, that he had not meant to say, nor had he said, that the Arms Bill was never intended to secure the confidence of the people of Ireland.

Lord *Monteagle.*—If he had not understood his noble Friend in another sense he would not have made the observations he did; he was incapable of misrepresenting any noble Lord, far less so old an acquaintance for the purposes of debate. The first question he had endeavoured to discuss, was that of confidence or no confidence between the present Government and the Irish people; and the next was, what were the causes of the admitted want of confidence? He had endeavoured to show that the whole course of policy of the present Government was adverse to the feelings and interests of the vast majority of the inhabitants of Ireland, and hence the want of confidence in their intentions as well as in their measures. With regard to the monster meetings, he was bound to admit, that he highly and entirely approved of the course Ministers had taken regarding them in the last Session; and he had frequently said so, although he had been twitted by his political friends as well as his political enemies (he would not call them enemies, but opponents) upon the subject. It had been stated, among other things, that if the present Government had possessed the resolution of their predecessors in 1831, they would have framed a Coercion Bill; but his answer had been that he doubted much whether a Coercion Bill would produce the benefit that some eager politicians expected from it. Neither a great nor even the little Coercion Bill (merely to change the *venue* on the recommendation of a noble and learned Lord) would do any permanent good in Ireland. To revert to the meetings, he would remark that he did not think that Ministers, by their long forbearance, barred themselves from proceeding at the proper opportunity. Nay, more, he thought the case was perfectly ripe for prosecution at the time proceedings were taken. He was of opinion that they had fixed upon the proper time, because the instant there was an open avowal by men—whether the object were legal or not he would not stop to inquire—but the instant there was an open avowal of a resolution to obtain an object by illegitimate means — the moment any party avowed and showed an intention to assume military organisation, all parties

were interested in putting it down, but none more so than that party which advocated the popular cause, because the abuse of popular opinions and popular rights was the thing which at all times and in all countries was fatal to popular liberty. Therefore he thought that the very instant the Proclamation calling for military organization was issued from the Corn Exchange, the Government was bound to proceed. He went further. He thought it would have been puerile to have allowed the substitution of one notice for another, of "groups" for "troops," "wardens" for "officers,' "meetings" for "muster," to have altered the intentions of Government. It would have been perfectly absurd and ludicrous. But, although he agreed so far with the Government in the course which they took; although he thought they were perfectly justified in prosecuting for the act—in prosecuting for the meeting so proposed to be held, he did not think that the Government, any more than an individual, were justified in standing by, seeing a long course of measures followed up day by day, week by week, month by month, and then, at any particular time, prosecuting not only for that one act, which was the only act, but making an accumulative case by bringing together all the acts which they had allowed to pass unnoticed. He thought that would be unjust in private life; he thought it impolitic and unjust on the part of the Government. But then we had heard a charge made against the Government for their delay in issuing their Clontarf proclamation; or had also heard their justification; and he would now call their attention to that charge and to that justification. He should be the last man in the world to attribute to the present Government, or to any Government that ever could exist in a country like ours, that which nothing but falsehood and calumny could have conceived—an accusation that they delayed their proclamation with a view to allow the meeting to take place, and to put it down by force. It was an absurdity; he would not waste words upon it. But though free from one imputation, were they not subject to another, let us see how they issued this proclamation. It was clear that the proclamation only came out about three o'clock on Saturday, the meeting being intended to take place on the Sunday. It was clear, also, that part of the charge—the gravamen of the charge against the monster meeting was, that the people were brought in great multitudes from great distances, from different quarters to attend this meeting. Well, it was asked, why not issue the proclamation sooner? The answer was given by the noble Lord the President of the Council. It was most inconclusive and most unsatisfactory. He said that the notice of the meeting appeared on Thursday, the 28th; that the military proclamation was issued on the 30th; that it reached London the 1st October, when Lord De Grey was sent for; that on Tuesday the decision of the Government was taken—to do what?—to refer the case to the law officers of the Crown; that it was not till Thursday, the 10th, that Lord De Grey set out for Ireland.—[The Duke of *Wellington.* That is not correct, but go on.] That on Friday he arrived there; that on that day the Privy Council met; and on Saturday the proclamation was issued. Now the question was, was there due dispatch—that dispatch which men of sense, such as the Members of the present Cabinet, men of decision—(he presumed there was no lack of decision or vigour among them) might have been expected to have used? Was that the mode in which the business ought to have been conducted? It has been said, that this proclamation was matter of very great nicety, that they had to adjust their words, as if it were a nice matter of special pleading, as if it required the greatest possible carefulness in drawing it up. Why, an intimation on the part of the Government that they objected to the meeting, and a simple prohibition was all that was wanting to carry their intentions into effect. Why was the delay from the 1st of October to the time of the meeting? Why was not a public intimation given on Friday, given, even if the proclamation did not appear till the following day? If the Government really wished to communicate to the public what their intentions upon the subject were, the slightest intimation, the insertion of a statement in any of the papers on Friday, that a proclamation would be issued on the Saturday, would have been sufficient to forewarn and to put every one on his guard. He confessed that when he heard the defence of the noble Lord it reminded him, by way of contrast, of great Parliamentary days—of a great and triumphant exhibition of Par-

liamentary talent, in which the unrivalled orator passing on in his rotation from day to day, had marked on every day the event which had occurred—it reminded him—but in the way of contrast—of a most splendid passage, in the speech of the great Statesman Mr. Canning, when he described proceedings taken under an exigency certainly somewhat more formidable than the meeting at Clontarf. Mr. Canning said, on the subject of the expedition to Portugal:—

"It was only last Friday (he spoke on the Tuesday) that the precise information arrived; on Saturday His Majesty's confidential servants came to their decision: on Sunday that decision received the sanction of His Majesty; on Monday it was communicated to Parliament; on this day Tuesday, and at the hour I am now addressing you, the troops are on their march."

Mr. Canning took no longer time for the purpose of taking a step which might have compromised the whole fate of Europe, putting his troops in actual motion, than the Government had taken in the issuing of their miserable proclamation. The noble Lord had only done justice to Mr. O'Connell in saying that he performed his duty in undertaking, as far as possible, to prevent the meeting. That conduct was wise and just. Then we came to the proceedings of the trial. He was no lawyer; and if he were, he should not presume to discuss this part of the question; but he must say that the Government had been the most unfortunate Government that ever were in the world. Such a number of things had happened which could not be defended, but of which we are required in charity to believe they knew nothing, and for which they implore us not to hold them responsible. They first had pitched upon an Attorney-general who had unfortunately made a speech before his appointment, in which he declared that Roman Catholics were not to be trusted on their oaths. Government knew nothing at all about it—a most unfortunate Government, that events alluded to in the public prints, and much dwelt on at the time, should have altogether escaped their notice. They then came to the question of the panel. Undoubtedly they were not responsible for the conduct of the Recorder if he did wrong; still less were they responsible for the Recorder's clerk if he did wrong; but still their evil fate attended them, most unfortunately one sheet of the jury list was lost—a most unfortunate Government thus again to be held up to suspicion. Another most unfortunate contingency arose; the single sheet so lost by the unfortunate clerk acting under the Recorder is shown to be the sheet, and the only sheet in the whole jury list, which contained a larger number of Catholics and Protestants of adverse opinion than of Conservatives. But here their misfortunes were not over. They came next to the challenge of the jury. What I have hitherto alluded to were the acts of others, but I come now to their own acts, that is the acts of their officers, the challenge of the Roman Catholic jurors. [Lord *Brougham*: There was not one challenge.] My noble Friend undoubtedly has been kind enough to set me right. The jury were only set aside, it was the counsel that was challenged. The counsel was challenged, and that through the medium of a polite note conveyed by a policeman from the hands of the Attorney-general. He (Lord Monteagle), had not intended to mention this, but the correction of his noble Friend (Lord Brougham) had made it necessary to show how it was, that the word "challenge" was present to his mind. Then the officer set aside a man, a good, holy, Roman Catholic apostolic juror, mistaking him for a Protestant. He happened to be a Roman Catholic, and the Government incurred suspicion from their mistake. Then there came another mistake. They having been in possession of this list, they had found upon it the name of a certain Michael Dunn—a name which they were very familiar with in Ireland, and which was not a very popular name in any country. Mr. Dunn, a reasonable politician, was mistaken for another Michael Dunn, a Repealer; he suffered for the mistake—*Dromio* of Syracuse was mistaken for *Dromio* of Ephesus, and thus ended this memorable *Comedy of Errors*, represented in the Court of Queen's Bench in Ireland, by Her Majesty's Servants. This was unfortunate; but he was bound to take the admission of the noble Lord the President of the Council, that notwithstanding this source of misfortune, nothing could be further from the intentions of Government than to have set aside any individual on the mere account of his religion. He thought that was right in collecting such to have been the opinions of all the Mem-

bers of the Cabinet. But was this the opinion of their friends and their supporters? Of this some evidence had been given on a former night. Was that the argument of the noble Earl (the Earl of Roden)? Noble Lords would remember that this debate went to Ireland, and let them take as evidence speeches which had been pronounced on their own side of the question. The act of excluding all Roman Catholics from the jury was justified, not by them, but on their behalf by their supporters, on the ground that it was very fitting that Roman Catholics in such a case should be set aside. The logic of the noble Earl was this:—Every Roman Catholic was a Repealer; this was a question which involved Repeal; therefore a Roman Catholic would not stand indifferent as sworn, and consequently he was rightly set aside. If such were the doctrine of the Government, or if it were avowed or defended by them, he could tell them that simple declaration would do more to destroy the peace of Ireland, than all the acts which Government had promised would effect to restore it. If there was one principle more necessary to enforce than another, it was the indiscriminate union of all classes in Ireland in the administration of the law. Without this, there would be no success nor confidence in the administration of the law. He would mention a case which happened during the Government of Lord Melbourne, as illustrative of this. It was a time of most violent tithe agitation and Repeal agitation. In some of the offences of that time a priest of the Roman Catholic Religion was implicated. The Crown prosecutor was resolved to prosecute. He was told "Beware; he is a priest; you will not obtain a conviction." He said, "I have a case for prosecution and conviction, and prosecute I will." He was then told, "Take care of your jury." He did take care of his jury. He took care, that so far from there being an exclusive jury, there was a jury upon which six Roman Catholics were to be found. He did not stop there. He gave his first brief for the prosecution to a Roman Catholic counsel, as leading counsel for the Crown. The prosecution of the Roman Catholic priest by a Roman Catholic advocate, before a jury composed half of Roman Catholics and half of Protestants, took place, the priest was convicted, and justice was done. He took the liberty of urging this, not to convince those who he hoped required no argument on the subject, but to meet an observation which was made in a very different spirit. He wished to say a few words before he sat down, on the subject of the measures which Government announced. He thought they had been rightly described as good measures and in the right direction, although far from being large enough; and if he might venture to express anything in anticipation of opinions in Ireland, he doubted whether they would be considered quite large enough by those for whose benefit they were intended. But although he thought, that Opposition had its responsibilities as well as Government, he thought that the more urgent responsibility of Government might justify them in not proposing measures which exceeded their power of carrying into effect. But still, the principle involved in these measures was very important. The Commission of Landlord and Tenant undoubtedly involved matter of the greatest possible difficulty —of the greatest possible delicacy, and too much ought not, and must not, be expected of the Commission. In the relation of Landlord and Tenant there was a great deal arising not so much out of the law as unfortunately, out of the social condition of the country. A great deal, also, arose out of the actual physical state of the population. He was surprised at the omission of well considered and voluntary emigration. Though considering it delusive that emigration could be applied to the whole face of Ireland, he was convinced, that as a local or topical remedy, as the physicians called it, was, of all others, one which in some places must be resorted to. The estate which belonged to his noble Friend at the head of this Commission, exhibited a most beautiful example, that much might be done without an alteration of the law at all. He might speak on the subject, in the absence of the noble Lord, but he could speak of nothing which was not in the language of just and sincere eulogy. The mismanagement of that single estate before it had fallen into the hands of his noble Friend, had produced all the disturbances of 1822. There were forty square miles of ground occupied by the military, and all this was formerly caused by the disorganisation of one estate, which was now a model of tranquillity under the system of his noble Friend.

This showed, that a great deal might be done by an alteration of the system and by a good example. We were also promised a measure on the subject of the Franchise. When introduced he would discuss that measure in all sincerity and in all frankness, and without any unfair bias, but would take the liberty of throwing out for the consideration of Government that no measure could be effectual on the subject of the Franchise in Ireland which would leave the Franchise wholly dependent on the mere grant of a lease of the land. He considered the creation of a franchise formally of a higher amount, but an amount which was tested only by the occupation of land of a given value, to be essential to the freedom of election in Ireland, because so long as you left the franchise entirely dependent upon the lease granted by the landlords, you would at once give to the landlord the power of defeating the franchise, by withholding the lease, you would also do what was worse, you would interfere most materially with the proper mode of managing the estate—you would dispose the landlord, who might fear what he considered to be abuse of the franchise, but which he (Lord Monteagle) only considered its free exercise to refuse the lease which it might be otherwise his interest to give, rather than create a political interest against him. We were promised large measures on the subject of Education. Rejoicing at the promise he should take the liberty of calling the attention of Government to the recommendations of the commissioners with respect to agricultural education. Ireland had the finest soil in the world; she had an industrious people but a people who did not know how to apply their own resources to make their own land profitable. We had an admirable system in Dublin for the purpose of the instruction of teachers; it had been suggested most earnestly by the Commissioners to connect with the instruction of teachers in other matters, instruction in agriculture. He should most earnestly intreat the Government to give their attention to that. He rejoiced to think that they proposed to make some advance towards improving the condition of the Roman Catholic clergy. He hoped this might be received in a kindly spirit; he thought it ought to be so received. There was no possible objection that had ever been urged however unavailingly with respect to a state provision which by possibility, could apply to this. There could be no clamour raised against the noble Lord in this country. He was in fact only doing in Ireland, that which had already been done in England. But it was in Ireland the change was most requisite. Therefore it was right in principle; but he hoped it would be carried much further. He believed that we should see, not only in Ireland, but in other parts of Europe, efforts made to acquire glebes in Ireland for the Roman Catholic clergy. There was another subject to which he would pray their attention. He had listened most anxiously to all that had fallen from the noble Lord, and had anticipated with the deepest solicitude an intention on the part of Her Majesty's Government to improve the present condition of the College of Maynooth. Against that, most necessary step, no plausible argument could be raised. You were not endowing the Roman Catholic Church, you were not adopting any new principle, you were only extending that which the wisdom of a Pitt, the advice of Burke, and the spirit of every Government since 1795 had sanctioned. But he would say even to those who had objected most strongly to the present condition of Maynooth, that if their arguments were correct and true, it behoved Government on other grounds—it was one of the most urgent and one of the most pressing duties of the Government—to give to Maynooth its proper character. You ought to make the establishment both useful and attractive in itself; you ought to make it intellectually attractive as well as attractive from the scale and system of the establishment, and you would have individuals of a higher class entering the Roman Catholic priesthood. You say that you are precluded, from the peculiar circumstances of the present grant, from taking any step in the direction of ameliorating their condition as clergymen, but you were only more bound on that very account, to take immediate steps in an enlarged and liberal spirit, for the improvement of Maynooth as a place of instruction. You would thus extirpate the weeds, and place in their stead the more wholesome seed. That was a matter which required the gravest and most attentive consideration, and was not to be abandoned because there might be a little opposition. It was a pressing matter, and on the same grounds on which noble Lords had taken

up this question, he humbly and earnestly entreated them, as an Irishman not wholly unfamiliar with the interests of the country, not to overlook this subject. He thanked their Lordships sincerely for the attention they had paid him, he was aware that he had occupied more of their time than he was entitled to do, but he had only endeavoured to discharge a duty which he felt he owed to his country and to himself.

The Earl of *Ripon*, then said, that he concurred in the expression of the noble Lord near him (Lord Wharncliffe), that he was glad the noble Marquess had brought before their Lordships this motion on Ireland, because it had given the Government a natural, a reasonable, and a fair opportunity of explaining to the House and the country the grounds on which their conduct proceeded in the administration of the affairs of Ireland, and because it had led to expressions of opinion from many noble Lords whose general views of policy were different from those adopted by the Government, that in many respects they had satisfactorily explained their conduct; and, that with respect to their prospective measures, they had proposed nothing but that which was in itself right. It was true, many of their Lordships would say they did not proceed far enough, according to their views; but they admitted that Her Majesty's Ministers were treading on sure ground—that, by the course they were taking, the interests of Ireland would be consulted, and that, in their view, many great benefits might be anticipated. He said, then, it was a great pleasure to those who were responsible for what had been done, and for what was proposed to be done, that in respect to the former, complete explanation had been given, and that against what it was proposed to effect no objection could be raised. He should have been content to rest the case of the Government on the speech of his noble Friend the President of the Council, but he thought he could not, with propriety, from some motives influencing himself, abstain from making a few observations on some of the topics that had been introduced into the debate. Not merely as a Minister of the Crown, but as being connected with the Lord Lieutenant of Ireland, whose conduct had been impugned, he thought he might be excused for saying a few words with respect to his noble relative, and the course that had been pursued in imputing blame individually to him. His noble Friend who introduced the question, amongst other comments which he made in a facetious tone, remarked, that it was not surprising that the people of Ireland placed no confidence in the present Administration, and argued that its composition was such, that Ireland could not be governed in a satisfactory manner, and he professed to maintain that position by saying that in the Government there were three Scotchmen and a half, and a number of Englishmen; but he could not discover a single Irishman except the noble Duke near him (the Duke of Wellington). His noble Friend, no doubt, meant it as a joke, but it was a curious joke; because when his noble Friend supported Lord Grey's Government, he must have thought that Government was unable to manage Ireland, because no Irishman was a Member of that Government. He therefore supposed that that remark was rather a specimen of his noble Friend's good humour, than of his usual powers of reasoning. What had the right hon. Baronet done in the selection of the two persons on whom the Irish Government mainly rested—his noble relative as Lord Lieutenant, and another noble Lord, a Friend of his, as Chief Secretary? Now his noble Relative, he admitted, had strong feelings of party attachment. It happened that the question on which, of all others, his noble Relative's feelings were most keen from the moment he first took his seat in that House, and on which he differed from his friends and family, and from the majority of the party with which he acted, but on which he acted from conviction, was that of Catholic Emancipation. So that there was *primâ facie* evidence that the Lord Lieutenant's feelings were in favour of that portion of Her Majesty's subjects. He knew that his noble Relative acted on principles of justice, that he thought the measure was just and right, and that he gave it his constant and hearty support; and, therefore, he (Lord Ripon) said that the right hon. Baronet was right in supposing, as he did suppose, that he was a person who would administer the affairs of that country in an honest and just spirit. So with respect to his noble Friend the Chief Secretary. Their Lordships knew what his feelings and opinions were, what his conduct had been; they knew that he had all along been an eager, ardent, and devoted friend and supporter of that question. There was, therefore, no division in the Government of Ireland;

the Lord Lieutenant was not of one opinion and the Chief Secretary of another. And this he (Lord Ripon) undertook to say, that his noble Relative, in his administration of Irish Affairs, had determined neither to be bullied nor cajoled by any party, and he believed every one who knew his noble friend's character knew that he was quite capable of acting up to that principle. He believed it could be clearly shown that the assertion that Lord de Grey had departed from the principle he originally proposed to himself on going over to Ireland was totally without foundation. He did not mean to say that his noble Friend, any more than other men who possessed his powers, and had the means of dispensing high patronage, would command universal approbation. That was a hopeless attempt. He (the Earl of Ripon) knew something of the possession of patronage himself, and he did not like it; it was no desirable thing to have, because you were quite certain to offend more than you could oblige. But he would undertake to say, that, in the appointments his noble Relative had made, he was not justly liable to any of those imputations cast upon him. Those imputations—somewhat frivolous as they certainly were—if they meant anything, meant this, that Lord de Grey did deliberately abandon the principle upon which he undertook to conduct the government of Ireland, by appointing gentlemen who were unpopular in that country to offices of high honour, and who were known to have uniformly resisted the principle which his noble Friend avowed. Now, what were these appointments? Great stress had been laid upon the appointments of Baron Lefroy and Mr. Jackson, and the noble Marquess (the Marquess of Normanby) had said—how was it possible that the appointment of persons who were committed, as those gentlemen were, to particular opinions, could give satisfaction. No doubt Mr. Baron Lefroy was a man of strong opinions, and that he had expressed them openly in Parliament, and undoubtedly they were there as openly met. He (the Earl of Ripon) did not mean to say whether those opinions were right or wrong; he did not certainly agree with many of the opinions of that Gentleman; but he was a very good lawyer, as everybody said; he was an honest man; perfectly uncorrupt and incorruptible. Good God! was it to be said that such a man, because he entertained strong political opinions, was therefore an unfit man to be appointed to a judicial seat? So with respect to Mr. Serjeant Jackson. What objection could there be to the appointment of that gentleman? His noble Friend (the Marquess of Normanby) said himself that he could produce no objection except that the hon. and learned Gentleman was a great opponent of the National Education scheme. Were they really come to such a pass as this, that it should be an objection to the advancement in his profession of any man, however eminent and great his talents, because he had opposed a system of National Education? Why, what was this but prescription? It was exclusion. Upon what pretence could his noble Friend set up such a ground to deprive a man of his fair prospects of attaining honour and emolument in his profession? Even his very opponents admitted that he was an excellent judge. And was it to be made matter of condemnation against the Lord Lieutenant, was it a ground of imputation against the Irish Government, almost sufficient, as it seemed to be considered, to justify their impeachment, that they had appointed an eminent lawyer, and a man of high moral character, to be a judge, who happened to have been an opponent to the scheme of National Education? He (the Earl of Ripon) had supported that scheme; he thought it a good one; and regretted that it should be opposed. But he believed that those who did oppose it were actuated by conscientious motives; and he certainly should regard it as persecution to set up such conduct as a perpetual bar to professional advancement. To exclude a man on account of any previous opinions he might have expressed from being advanced to any post of honour and emolument in his profession, and to make the appointment of such a man a matter of grave charge against the Government, was certainly somewhat inconsistent on the part of his noble Friend, who had been a Member of a Government which had proposed to raise to the seat of judgment an individual who had just been found guilty of conspiracy. Now, he (Lord Ripon) did not mean to say that those who offered a judgeship to that individual were to blame, because he did not wish to defend any person whom he respected by mere recrimination; but he did think that his noble Friend's zeal for finding fault had outrun the accuracy of his recollection. With respect to the case of Mr. Holt Waring, that gentleman, he (the Earl of Ripon) understood, had been a

most respectable man; he was possessed of a large fortune; he certainly entertained strong opinions, and moreover was an Orangeman. On one occasion, when it was necessary to renew the Commission of the Peace, that gentleman's name was omitted, on the ground of his having been an Orangeman; but that step was very distasteful to the gentlemen of the county; they represented to the Government that it was a harsh proceeding, and the result was, that he was restored by Lord Plunket to the Commission. A few years ago, both Houses of Parliament came to very strong resolutions upon the subject of Orange societies. He concurred most cordially in those resolutions. However those societies might have originated, he considered that they were calculated to do very little good, but might produce the greatest mischief. When Mr. Holt Waring knew of the resolutions of the two Houses of Parliament, he exercised the great influence which he possessed over his own tenants and over others, to induce an immediate compliance with the wishes of Parliament, for it was not a law, but merely a resolution; and the exertions of that gentleman were crowned with success. He did not know whether their Lordships recollected a letter which appeared at that time directed to the Orangemen of Ireland. He was not then aware who the author was, but he recollected having thought at the time that it was one of the most beautiful compositions that he had ever seen. It contained the best principles put forth in admirable language, and it inculcated the most dutiful attachment to the Crown, the utmost respect for the Parliament, and the most rigid obedience to the laws. It was in furtherance of the wishes expressed in that letter that the Rev. Holt Waring exerted himself so effectually on the occasion; and he would say that that instance of such ready, such willing, and such immediate compliance with the express wishes of Parliament, in a matter in which the peace of the country was concerned, should be, in his humble judgment, sufficient to wipe away from their recollection any blame which could possibly have been attached to him for the part which he had previously taken in carrying those institutions into active operation. He therefore considered it idle to say that to promote that rev. gentleman to an office of dignity, which though exalted in its nature produced him no emolument whatever, should be regarded as an insult to the Roman Catholics of Ireland. The rev. gentleman might have previously made use of strong language, but in exact proportion to the extent of his prejudices, to the strength of his feelings, and the warmth of his language on the subject, was his subsequent merit in subduing those feelings and prejudices, and in yielding immediate obedience to the wishes of the Legislature. He therefore considered that, under all the circumstances, the objections rested on the most futile ground on which it was ever attempted to prove that the Lord Lieutenant of Ireland had mal-administered the patronage of the Crown, or had directed it in a quarter offensive to the feelings of the great majority of the inhabitants of the country. He trusted he had said enough on that subject to set his noble Relative right in the opinion of their Lordships and of the country, and it must be a satisfaction to him (the Lord Lieutenant) to know, that no man had attempted to impute to him any want of honour, of good faith, or of uprightness of conduct. He had only to add, that his noble Relative had been most reluctantly induced to yield to the earnest solicitations of his friends in accepting the Viceroyalty, as they believed him to be a nobleman likely from his character and disposition to discharge the duties of the office beneficially to all classes of Her Majesty's subjects in Ireland. Having said so much upon that subject, he wished in the next place to offer a few remarks relative to the recent State Trials in Ireland. The speech of the noble Lord who last addressed the House was in his opinion a most complete acquittal of the Government from any charges that had been brought against them respecting the lateness of the period at which the final proceedings against the Repeal agitation had been commenced. The noble Lord said the Government had acted right in not commencing those proceedings at an earlier period—that they were right in proceeding at the time they did go on, and on those points he believed noble Lords opposite would admit there could not be a better judge or a higher authority than his noble Friend. The only part of the question which admitted of any doubt, was that arising from the lateness of the period at which the Proclamation had been issued; but noble Lords should recollect the number of days that had elapsed between the time at which the Government became aware of the issuing of the Proclamation from the Corn Exchange, referring to the marshalling of the

"Repeal Cavalry," and the suppression of the intended meeting. The period was, after all, only a few days, and if noble Lords took the trouble of examining into the matter, they would find it not longer than was absolutely necessary for the purpose. The noble Lord had drawn a contrast between the time which the late Government had taken to make preparations on a similar emergency, when Mr. Canning had fitted out the expedition to Portugal with such promptitude, and that which had been found necessary on the present occasion, and had spoken of the promptitude evinced by the predecessors of Her Majesty's present Ministers as a proof of their admirable general arrangements for the government of the country, and of their greater capacity to cope with urgent difficulties. It was certainly true, that on the occasion alluded to by the noble Lord, the intelligence did not reach this country until Friday, and that on the Tuesday following the troops were ready to embark; but his noble Friend appeared to have forgotten that all the arrangements in that instance were decided upon in London, whereas on the late occasion the communication had to be transmitted in the first instance from Dublin to London, and afterwards from London back again to Dublin. If the object to be attained were the prevention of a meeting at Hounslow-heath, or Blackheath, then the brief period which the noble Lord appeared to think only necessary in the case of the Clontarf meeting would have been quite sufficient for the execution of the intentions of the Government; but it should be recollected that in Ireland an alteration had been made in the wording of the advertisement from the Repeal Association arranging the order of the procession, which threw some doubt as to the course that ought to have been pursued on the part of the Executive, and which rendered a further communication with London necessary. The omission of the words "troops" and "cavalry" was of course mere nonsense, and did not alter the clear intelligible intention of those who had issued that proclamation; but still it might have made some difference with respect to the legal mode of dealing with the question, and some time, about a quarter of a day additional, was accordingly required for consultation before the Lord Lieutenant could leave London. Instead, therefore, of arriving in Dublin on Thursday, his Excellency was not able to reach that city until Friday, which was the day that his noble Friend considered the Proclamation ought to have been issued. If, however, the two days necessarily interposed by the circumstance of the thing to be done be in Dublin, and not in London, be taken into consideration, it will appear, that the case of rapid decision and execution, in the case of the expedition to Lisbon in 1826, which his noble Friend has cited as a contrast, is in fact neither more nor less than a parallel. He understood his noble Friend to have stated that the Lord Lieutenant was not in London at all at the time; but that was a mistake, as his noble Relative had been in London since the preceding Sunday, though certainly in a state of ill-health, which almost incapacitated him from any bodily exertion whatever. Those, however, who were acquainted with the noble Earl, the Lord Lieutenant of Ireland, and especially those who acted with him as his colleagues in office, had reason to know that notwithstanding his bodily suffering—and few persons had undergone more suffering than he had within the last few years—the vigour and energy of his mental powers had never deserted him, and, it was his (Lord Ripon's) opinion, never would desert him. With respect to the proceedings at the trial, it could not be supposed that he should offer any opinion, as he should plead his ignorance of any acquaintance with legal quibbles, but he could not avoid remarking that he thought, in all the points which had been raised during the legal proceedings, the decision had been, in every instance, in favour of the Attorney-general. It was not, therefore, likely that the Attorney-general had the character as a lawyer, which a noble Marquess on the opposite side of the House would attribute to him. [The Marquess of *Normanby* said, their complaint was, that Mr. Smith was not known to the Cabinet before his appointment.] The noble Marquess certainly said that Mr. Smith had never been heard of. [The Marquess of *Normanby*: I beg pardon, but it was your own colleague, the noble President of the Council, who used those words.] No, no. That would not do; what the noble Lord (the President of the Council) said was, that he never read a certain speech said to have been made by the Attorney-general. But he would ask, was it contended for on the other side that the Cabinet in England were bound to know the qualifications and characters of all the leading men at the Irish bar, before they received information on the subject from

the Lord Lieutenant? The Secretary of State for the Home Department, or, if they pleased, the First Lord of the Treasury, might be supposed to have perhaps some knowledge of the qualifications of such men; but to suppose that a Cabinet generally should be acquainted with the professional merits of a barrister of the Irish bar was really absurd, and was, he would venture to say, a knowledge of which no Cabinet that ever existed professed to have itself. But this he would say of the Attorney-general for Ireland, that he was a gentleman whose legal acquirements were universally acknowledged to be of a very high order, and he also found that Mr. Whiteside—one of the most powerful defenders of the traversers, and a man who, though his politics might not agree with those of the noble Marquess opposite, must have been possessed of the purest, the most honourable, and the most unsullied integrity, or else the traversers would not, it was to be supposed, have selected him,—he found that that Gentleman in his speech used these words:—

"The Attorney-general, in his statement of the case, performed his duty with great moderation, and, indeed, I must say, the counsel for the Crown have conducted this prosecution with great fairness and talent throughout."

He admitted that lawyers were sometimes in the habit of complimenting one another to an amusing extent, and he would confess he should look very suspiciously on such compliments; but still, he never knew any man of honour compliment another for great fairness and talent, if it could be justly said that he was devoid of either. He thought, therefore, that Mr. Whiteside's acknowledgement was a complete answer to what had fallen from the noble Marquess on the opposite side of the House. He would not then enter into the question of the formation of the jury or the omission of a certain sheet from the Recorder's list, but he would briefly observe, that it was now an undoubted fact, that that sheet had been lost by the carelessness of an officer of the Recorder's Court, who happened himself to be a Roman Catholic. Though it was somewhat suspicious, that a sheet should have been lost from a list for a parish in which there were a great number of Roman Catholics, still he thought they completely disposed of that suspicion, when they showed that the officer by whom the slip had been lost, was himself a Roman Catholic. And yet the Government, who could not possibly have had anything to do with the matter, was accused of having offered an insult to the Roman Catholic population of Ireland, on account of its having occurred. His noble Friend, who last addressed the House had, however, given their Lordships a specimen of the want of popularity that was likely to attach to a Government who opposed the Repeal agitation in Ireland, as he had told them that he was himself described as an enemy to his country, for the part which he had taken when a Member of a former Cabinet, in opposition to that question. Noble Lords, however, knew such a representation to be untrue, as they were aware of the sincere attachment which his noble Friend had always exhibited for the welfare of the country. They were aware of his being a most useful friend to that country, but the treatment which he had received showed that, when it suited a purpose to run a man down, whose opinions were the reverse of those from whom the calumny proceeded, how easy it was to load him with calumny, and to spatter him with their venom, because he had the manliness, the truth, and the justice to oppose what he believed to be the dangerous question of a Repeal of the Union. The noble Marquess had thrown out an imputation, that the jury lists so cut up might have been conveyed to the Castle of Dublin. ["No, No!"] There had been certainly something like that expression used; but, as the noble Marquess did not mean to say anything of the kind, he (Lord Ripon) would of course take no further notice of it. He would only say, that he could declare that he would not have raised his voice in defence of his noble Relative, as he had done that night, if he did not know it to be utterly impossible such an act could have taken place with his knowledge or connivance. He would ask noble Lords if they were satisfied of the principles on which the Government brought forward the beneficial measures which they intended to lay before Parliament, and if they thought those measures to be in the right direction, to be calculated to prove of service to Ireland, and to soothe angry feelings in that country, not to press them to disclose at once a full detail of all they had in contemplation. He did not pretend to know what might be the result of those measures, or what effect they might have in tranquillising Ireland, or satisfying the minds of the inhabitants. He for one would not permit himself to be too sanguine on those

points, as he knew no greater mistake that a Government could commit, than that of creating high expectations in the public mind of the consequences of measures which they wished to pass, and of the instantaneous good which those measures were likely to effect. They had seen many instances of such mistakes of late years, but, for his part, he would prefer waiting to witness the effects which were likely to follow from the measures now about being introduced before he expressed his conviction of their success. If those measures failed they could not help it. The Government would introduce them because they believed them right, and while that conviction remained upon their minds, they would continue to propose to Parliament every measure which they thought calculated to promote the best interests of the country.

The Lord Chancellor here retired, and the Earl of Shaftesbury, the Deputy-Speaker, took his seat on the Woolsack.

The noble Earl was proceeding to put the Motion, when

The Marquess of *Normanby* rose to reply. He said he had delayed addressing their Lordships under the impression that the noble Lord who occupied the Woolsack, and who had just retired from the House, would speak on the question, and he had to express his surprise at what he supposed he should now term the determination of the Lord Chancellor not to give them the benefit of his opinion on the question before the House, an opinion which was of the more importance in consequence of the course which the noble Lord had adopted with respect to Ireland, when one of the leaders of the Opposition. It was then the habit of the noble Lord to speak frequently and strongly, he might say vehemently, on the subject of Ireland. Allusion had been made at the very commencement of this discussion to certain expressions of the noble Lord, the effect of which was still rankling in Ireland. It would have been curious to have heard how far he adhered to or qualified the opinions he then entertained; his present opinion had also been asked as to certain judicial proceedings in Dublin. But if his silence had been settled and was the result of predetermination, he would at once proceed to make some remarks upon the observations offered to their Lordships on the subject of the motion. It had been objected, that it was too doubtful in its terms, and the noble President of the Board of Control had reiterated that objection, whilst his noble Friend the First Lord of the Admiralty repeated, that there was something so indefinite in the wording of the motion, that in his opinion, he (the Marquess of Normanby) must have had a previous intention to frame it as vaguely as possible. That expression had, also been used by another noble Friend of his (Lord Howden), and had since been retracted by that noble Lord, in consequence of his (the Marquess of Normanby's) assurance, that it was the only one he had ever intended to make, and that it had been previously shown to other noble Friends of his on that side of the House. He had framed his motion so that in his opinion it might be adopted by noble Lords even on the other side of the House, and he had been induced to put it in this form because of its importance, and further, for the reason that a committee of the whole House, was almost without precedent in this House. A motion like the present, which in general terms pledged to future enquiry was the only alternative, and upon it being carried, he should be prepared to propose to refer various portions of the subject to select committees. [Here the Lord Chancellor re-entered the House, and took his seat on the Woolsack amidst a little confusion, which rendered the noble Marquess inaudible. After a short pause the noble Marquess continued with much emphasis], —I certainly should not have risen but for an intimation which had been conveyed to me by a noble Baron, that the Lord Chancellor did not intend to address the House. That intimation was conveyed by a noble Baron who had been to the noble Lord's room to inform him that the House was awaiting his return in these terms, "he says he will not speak," and this was heard by all the noble Lords about me, and I am sure that so far from showing any intention to intrude upon the House, it will be admitted that it was not until I understood that no one else had anything to say that I rose to address your Lordships. I am not, it is true, much informed upon the regulations of the House, nor am I much versed in the forms of your Lordships' proceedings; but this I must observe,—that it is not competent to the noble Lord to address you after me, and that he must know that he has no means of speaking to the House upon this question hereafter. [*Cries of* "No, no!" "Yes, yes!" *from both sides of the House.*] I waited patiently until I found that no one else rose to speak, and the noble Duke opposite will bear me witness

that I have evinced no desire to intrude upon your Lordships. Yet now, when I rise under these circumstances to reply, I hear, "How can I get in a word now?" Why, I tell the noble Lord that he cannot—I say he cannot speak after me. [*Cries of* "Yes, yes!" *and some confusion.*] If the noble Lord does so, I say it is contrary to all order and all precedent. ["*Hear, hear,*" and "No, no."] I must say that if the noble Lord does persist in doing so, he will be taking a most unfair advantage of me, for I would not have exercised the privilege of reply but I understood that all the noble Lords opposite had concluded their remarks, and if, under such circumstances, the majority of the House think fit to allow the noble Lord to proceed, it will be in my mind a most unheard-of and unprecedented thing in this House. [*Cries of* "No! No! *Order, order.*"]

Lord *Kenyon* rose to correct a mistake into which the noble Marquess had fallen with respect to the practice of the House. It was not by any means a fixed rule of the House to prevent noble Lords following after the Mover had spoken in reply. If the noble Marquess did not rightly understand the message delivered to him about the Lord Chancellor's intention, he has no right to feel disappointed at the consequences of his misunderstanding.

Marquess of *Normanby*: There was no misunderstanding; I appeal to the noble Baron (Lord Redesdale).

Lord *Brougham* rose to order. It did not he thought much signify how the matter went, for his noble Friend had not heard anything which could influence the remarks he might have to make. [*Cries of* "Order."] Well, he was speaking to order. [Lord *Radnor*: "No, no, Order!"] He did contend that he was speaking to order, and he entirely agreed with the noble Baron on the cross-bench (Lord Kenyon), that there was no rule of that House which gave an indefeasible right to the Mover of any Motion to close the debate finally. It was as well for their Lordships to meet such a new doctrine now whilst it might be met and confuted. There was no rule on the subject at all but the courtesy of the House, which certainly had given, and did give, the right of reply to the Mover of any Motion. That was, however, by no means a final right, and if he had heard it once he had heard it 100 times when noble Lords had spoken after the Movers had spoken in reply, and he himself had been rejoined upon under similar circumstances by many of their Lordships in that House.

The *Lord Chancellor* said, that with the permission of the House he wished to explain something of his position to their Lordships. He had been sitting in his Court from ten o'clock that morning; from five o'clock until nine o'clock he had been waiting in that House during the address of the noble Earl. Under these circumstances, he had quitted their Lordships' House for the space of five minutes during the address of his noble Friend, and on his return he found the noble Marquess speaking. He had for his own part no desire to address their Lordships except for one reason, which was, that he wished to lay before the House some matter explanatory of his conduct in consequence of what had been said relative to it. However, he had been so nobly defended, so warmly vindicated by his noble Friends, that he never could forget the accusations which had been made against him, they had elicited such a flattering defence. He had been in expectation that some of his noble Friends would have spoken, in order to have got at some or any explanation of the opinions of the supporters of that Motion; but, as they had not done so, he would, for his part, rest satisfied with the decisive and triumphant arguments in refutation of the charges which had been made against him and the noble Lords with whom he acted.

The Marquess of *Normanby* said, that with respect to the facts of the case, he would only observe, that unless it had been brought to his ears by a noble Baron, that the noble Lord did not intend to speak, he would not have risen. He had been told that the noble Lord did not intend to speak, and had left altogether. When, therefore, the noble Lord who sat on the Woolsack was about to put the question, seeing that no other noble Lord rose, he had commenced to reply. But, however, as the noble Lord states the grounds why he now wishes to speak, I at once give way and reserve my reply to the conclusion of the debate. [*Loud cries of* "Question," "Order, order."]

The *Lord Chancellor* stating he did not now intend to speak, then proceeded to put the question, when

The Marquess of *Normanby* amid considerable noise and disorder, rose and said, that he must appeal to their Lordships if ever there was a more unfair proceeding attempted to be committed. He had been addressing the House when his Lordship

entered, and had given way because he understood that the noble Lord wished to defend himself. He had that opportunity—

The *Lord Chancellor*: I must beg to set the noble Marquess right. He has quite misunderstood me. I said that I would not speak because I considered it unnecessary after the defence which had been made by my noble Friends.

The Marquess of *Normanby* said, to return to my reply: He was stating to the House when interrupted, that he had purposely so framed his motion as that those might vote for it who did not participate in all the feelings with which he frankly confessed he had brought it forward. He did not conceal that it was because he did not think that the Government had acted upon those principles which the resolutions state as the only ones upon which Ireland ought to be governed, that he required the House to affirm these principles. It was, however, in substance, a motion for enquiry, and any noble Lord who thought that the state of Ireland was such as to demand Parliamentary enquiry might vote for his motion, protesting against adopting the inculpatory spirit in which he owned he himself pressed it upon the House. His noble Friend the First Lord of the Admiralty had said, that he had offered no suggestion for the future. As to the past, his noble Friend had himself got confused as to the wings of the Emancipation Bill, but he thought his noble Friend's memory must have flown away even upon the one wing left to him, for he stated one by one the substantive propositions adopted at a meeting at Claremont House, at which the Duke of Leinster had presided, and he had stated, that every one of them was worthy of the attentive consideration of Parliament. He stated, that he looked for the future to an equalisation of religions. He stated, that the first step towards this would be to elevate the character of the Roman Catholic priesthood by every means in their power, and to remove from the hierarchy those disqualifications and degrading restrictions which the Catholic Relief Bill had imposed. The noble Lord opposite had stated, that it would be impossible to alter the proportion of the representation between the two countries—that it had been settled at the Union. Now he felt bound to say he did not admit of any such impossibility. He saw all the difficulties of the question, but as to its being settled at the Union, it had been unsettled then by the Reform Bill. An addition meagre and unimportant it is true, had then been made, but still it was an alteration of the Act of Union. Besides in moving the Act, Mr. Pitt had stated that he could not give any satisfactory reason why he had fixed the number at a hundred. He would not now enter further into this question, but he wished to guard himself against acquiescing in the unalterable nature of that which was fixed on no principle, and had since been changed according to circumstances. The noble Lord who has just sat down, had remarked in answer to his observation, that there was not a single Member of this Government that had any connexion by birth with Ireland, except the noble Duke; that he had accepted office under Lord Grey's Government, who had no Irishmen amongst their ranks. In the first place he had no connexion with Lord Grey's general Government, or responsibility for their domestic policy. It is true, he accepted an important colonial appointment under Lord Grey, but he would have been rather surprised if he had gone to him and said, "True, you offer me a prospect I much desire, of ameliorating the condition, if not of entirely changing, the lot of the negro slave—but you have not got an Irishman in your Government." But neither was that the fact. Was there not my noble Friend near me (Lord Lansdowne), the representative of the Fitzmaurices? But compare the present Government with that to which he really did belong, the Government of Lord Melbourne—besides my hon. Friend just mentioned, there were Lord Besborough, Lord Palmerston, and Mr. Spring Rice. As to the appointment of Lord Eliot, it was, he must say, most extraordinary; but stranger still were the grounds on which it had been recommended, for it had been stated as one cause of his selection, that he had been opposed to the policy of the Government, and had acted in opposition to the measures introduced by the Administration of which he was appointed a Member. His noble Friend had said, it was rather hard that he should object to the advancement of Messrs. Lefroy and Jackson because of their strong leaning in politics. Now, it was not he who had originated that objection to Mr. Lefroy, for when the noble Duke was at the head of affairs, and Sir R. Peel Home Secretary, the Irish Administration under the Duke of Northumberland had prevented Mr. Serjeant Lefroy from going circuit as judge, because of the strong terms which he used with reference to Catholic Emancipation. If the

noble Lord did not know that, he had only given another instance of the general ignorance on Irish matters of which he (the Marquess of Normanby) complained. Of Mr. Serjeant Jackson, he had spoken in more qualified terms, but he did not think it judicious—to say the least of it—to place that person on the judicial bench, who was an inveterate opposer of the Education system and of some of the measures of Government. With respect to patronage his noble Friend opposite said, "How can you expect us to appoint people to places who oppose us?" Be that as it might, what would they say to the Church appointments? Was it to be wondered at that the Irish people should look with distrust upon the present Government when they saw all the Church patronage bestowed upon their constant opponents? As to the Attorney-general, he would say no more of him. His noble Friend said that he never had heard of him before his appointment and thus further exhibited that want of information upon Irish affairs to which he had before alluded; but he was content to pass the right hon. and learned Gentleman (the Attorney-general), for he had heard too much of him already. With respect to the defence made for the proceedings which occurred at the suppression of the monster-meetings, and of the time chosen for it, he was not at all satisfied. He could not at all make out how his noble Friends opposite were justified in allowing ten or twenty meetings to take place, and then in saying, "If we had allowed the 21st to take place, we should have deserved impeachment at the Bar of this House." If these meetings were seditious, they should have been proceeded against as such. Mr. O'Connell had, said his noble Friend, announced seven more meetings. That fact could have nothing to do with their legality or illegality. Now as to the first programme of the Clontarf demonstration; he must be allowed to say that, if it really meant a military array and organization, there was no character (and he said it with great respect for those gentlemen) in which the Dublin tradesmen could be less formidable than as "mounted cavalry." In the late trials, there was one of the traversers, now no more, who, if he might judge from his previous character, was of all men the least likely to engage in any course of action calculated to be injurious to his fellow-countrymen, or in any respect likely to disturb the public peace. He was a man of whom he knew something, as a most active promoter of charitable institutions in Dublin; and he had every reason to believe that to the exertions of that individual the safety of Dublin was in a great measure owing on the day which followed that appointed for the Clontarf meeting. His noble Friend opposite said that the tendency of the present motion was to embarrass the Government. This was an assertion very easily made, when the condition of the Government was such as to make it inconvenient that a motion of this kind should be made. But surely it was not his fault that such a motion should be inconvenient—it was not his fault that the Government were in their present condition. Then he was told that the present motion was ill-timed; but that was the old answer given on all similar occasions. The fact was, that whenever a subject happened to be intensely interesting, there prevailed a habit of saying that any motion made respecting it was ill-timed. He unequivocally denied that his motion was ill-timed; and, on the contrary, he contended that nothing could be so well calculated to tranquillize Ireland, as a disposition shown on the part of that House to adopt the principles embodied in his motion. But, though this motion might have the effect of embarrassing the Government, he certainly did not bring it forward with any such intention. Neither was he guilty of that which had been imputed to him by the noble Earl opposite—namely, the offence of taking for granted that every one approved of his (Lord Normanby's) Government in Ireland. He had said nothing of the sort, and if ever a speech were free from a charge of that nature, he should take the liberty of saying, that that with which he had opened the present debate might be considered to have come within such a description. But then the noble Earl opposite (the Earl of Roden) had made the most astounding declaration, but with all respect for the noble Earl, it was met by the House in a way which prevented the necessity of giving it much serious notice. It had by him been said that the country was now reaping the fruits of that wholesale discharge of prisoners of which he had been accused. Let it be remembered that they were now in the year 1844, and that the event in question took place in the year 1836; that after that event he remained three years in Ireland, and that it was found that very few of the prisoners so discharged had ever been recommitted. On that occasion he had tried an experiment. He

had not repeated that experiment, and he had no intention of repeating it; but it was idle at a moment like the present to say that the country was reaping the fruits of what he had then done. Whatever might have been the opinion of a majority of the House then as to the policy of his conduct in that respect as establishing a precedent, it was never pretended by any one that it had had a mischievous effect. Why, their Lordships were three years in finding out that it had happened at all; and after five years more, that the noble Earl should now say, that they were suffering from the effects of it, does really shew that however fair the disposition, or clear the intellect of a person, if he has once been a Grand Master of Orangemen he does view some subjects through a mist of prejudice which is quite impenetrable. It was not a singular case, however, for in the year 1823, during Lord Wellesley's administration in Ireland, that noble Lord had not less than 2,600 petitions presented to him by prisoners in confinement for offences, and of those he had, as stated by Mr. Peel in the House of Commons, remitted 400 capital punishments. In his own instance, the number of petitions had been 1,600, and those remitted on his tours were all lighter offences. In respect of dismissals from the magistracy there had been but one during his time, namely, that of Colonel Verner. That gentleman was in the Commission in a part of the country where the population was pretty equally balanced as to religious persuasion, and it had been deemed always a great object to have in the magistracy impartial men, and men uninfluenced by religious distinction. The cause of dismissal was a toast he drank at a dinner of a very decided political character, and, as he thought, dangerous in the recollections it might excite. It was, "The Battle of the Diamond." He had sought an explanation from this gallant colonel—anything, indeed, would have satisfied him; but the reply of Colonel Verner was such that he could not help recommending to the Lord Chancellor of Ireland to remove his name from the list. Some observations of a noble Friend (Lord Howden) he felt he ought to reply to, but he would prefer making them in his presence, and therefore he would wait for a few minutes. [Lord Howden here entered the House.] His noble Friend had begun by stating that he spoke in perfect good humour. He was not aware of the necessity of such a declaration, as he could not conceive any possible reason why it should not exist; but it was with a desire to reciprocate the same spirit that he cautioned my noble Friend not to be too much elated by the reception his speech had met with. Whatever might be his merits as a speaker, and he rendered a willing tribute to them—to his graces of delivery, and his pleasant mode of expression, yet he might believe one who had had considerable longer experience of such assemblies, nothing meets at first with such ready applause as very smart and apparently (though of course not in spirit), bitter things, said against those with whom one is supposed usually to have agreed. He had reason to think he knew, his noble Friend would admit, what his opinion had been on Ireland and Irish Governments. His noble Friend was very anxious to address the House, and he owned with all due respect for the noble Marquess opposite (the Marquess of Westmeath), he was on his noble Friend's side—he preferred the anticipation of listening to him. But having heard his noble Friend, he must say he could not conceive why he pressed forward, for any speech more guiltless of any allusion to anything which occurred in debate, he never heard; and therefore it seemed little to signify at what period it was delivered. It was surely hardly worthy of his noble Friend, and of that reputation which he was sure to earn in this House on such an occasion, to revive and rake up the recollection of some alliterative abuse used by Mr. O'Connell towards Lord Grey's Government. His noble Friend stated, that he had had no intention of alluding to the Repeal of the Union, unless he had mentioned it. And then his noble Friend favoured them with a Latin quotation for which they ought to be thankful.

"Magnaque numinibus vota exaudita malignis."

[Lord *Howden*: I thought it applicable.] It might be so, it was rather trite, but as he just said, such being rare now, it was welcome. Then if his noble Friend accused them of borrowing their grievances from Mr. O'Connell, he thought he must allow him to say, that he borrows his figure of speech from him,—

"First flower of the earth; first gem of the sea."

[Lord *Howden*: I altered it: that was not so.] He admitted his noble Friend altered it—he said "Not fifty years would roll over their shores before the boasted flower of the earth would be plucked by

some unfriendly hand, and the gem of the sea would be set in the crown of a stranger." He was good enough to speculate upon the period of gestation of his resolution. He set him right upon that subject, and therefore would not speculate upon the gestation of his peroration, but he must forgive him if he thought there must have been some little labour of the fingers before that "gem" was so carefully reset "in the crown of a stranger." Another noble Friend had also referred to the fact that the office of Master of the Rolls had been offered to Mr. O'Connell. Now, with respect to that offer, he (Lord Normanby) never saw any thing to occasion the least feeling of regret, except that Mr. O'Connell had declined to take the office. He was sure this House would agree with him, when he said that there was a wide distinction between appointing a political partizan to a judgeship, where he might be called on to administer the criminal law, and the appointment of the same individual to the bench of a Court of Equity. On the occasion to which he was then referring, he had some communication with his much esteemed Friend the late Sir M. O'Loghlen, That right hon. Baronet expressed his perfect readiness to take the office of Chief Baron, in order to place the Mastership of the Rolls at the disposal of the Government. He (Lord Normanby) sent for Mr. O'Connell and made to him the offer of that seat on the Bench which he had just mentioned. Mr. O'Connell expressed his gratitude, and said that he had no wish to accept any office, but that if he were to receive any appointment whatever, none could be more agreeable to his feelings than that of Master of the Rolls. And now he should conclude the remarks which he had to make on this part of the subject by saying, again, that he equally regretted that one so eminently qualified to fill the office of Master of the Rolls had not then accepted it—if he had, the effect upon the feelings of the Irish people, would, he believed, have been excellent, and a great deal that was most painful in the history of Ireland since that period might have been avoided. But, leaving the subject, he had to state to their Lordships, on behalf of his noble Friend the Marquess of Anglesea, that nothing but extreme suffering, which had obliged him to leave the House, and precluded the possibility of his addressing them, prevented his stating, in person, to their Lordships how cordially he approved of the motion —how cordially he concurred on every Irish question with the late Government. With respect to the abolition of the office of Lord Lieutenant, he (Lord Normanby) had always thought the situation an anomalous one; but though he should wish to see it abolished, as the consequence and the consummation of the establishment of practical equality; yet, until the people there had greater confidence in the stability and sincerity of the Government, he thought it would be too soon to take from them that practical protection which he thought they derived from the presence of the Queen's representative. In conclusion, he had only to say he wished he could entertain a doubt as to the issue of this motion. As to the ultimate result, they had only to look back to the history of their own lives to be sure that unless impeded (which might God forbid) by any outbreak or civil war, that result could not be doubtful. In that alternative, the ultimate result for the interest and character, even of the victor, it was also impossible not to see. But he would banish that idea as impossible, and say that if that House, by removing just cause of complaint, did not stop the course of discontent, who that looked back to the history of the last twenty years could doubt that through the continued influence of peaceful agitation, the result must be large concessions to popular principles in Ireland. The question was one only of time. It might be postponed by the conduct of that House and of the Government. It might afford another of those lamentable instances of tardy, and therefore ungracious concessions; but come it must, as certainly as that he was there addressing their Lordships. Then, said the noble Marquess, that upon you (the Opposition) it devolved to calm the passions of the Irish people, and to induce them to await with hope that which, if they will so await, they must ultimately obtain; and meanwhile (addressing the Government party) upon you be all the responsibility of the present dangers.

Lord *Brougham*, rising amidst loud cries of "Question," said, he only wished to remind their Lordships of the very extraordinary position in which they were placed. He had opposed the motion for the adjournment on Tuesday night, holding it to be totally unnecessary to adjourn, and that their Lordships might have sat on and finished the debate that night; and so it turned out, because they were now told that a noble Marquess, for whom he (Lord Brougham) would have made any sacrifice, and set all night rather than put to incon-

venience, was not able, from ill-health, to come down, as he otherwise would have done. Then his noble and learned Friend (Lord Campbell), who, in the ordinary course of Parliamentary usage, ought to have begun the debate, having moved the adjournment on the last night the House sat, had not made any speech, for which he must say he (Lord Brougham) was not at all sorry. This showed the folly and mischief of adjournments of debates.

Lord *Campbell:* The speech of my noble and learned Friend is quite irregular. But I am not surprised at that, because all his proceedings in this House are quite irregular. My Lords, my object in moving the adjournment was, that I thought he would have spoken, and then I should have followed him. My Lords, I may be pardoned for thinking that he would have spoken, for this, I believe, my Lords, is the only debate of importance, that I can remember, in which he has not spoken at least seven times. I expected also that we should have heard the noble and learned Lord upon the Woolsack. My Lords, a grave attack has been made on the legality of the principles which were applied to the conduct of the late trial; yet my noble and learned Friend on the Woolsack has not opened his mouth. He has spoken neither by himself nor by his counsel. [Loud laughter, arising from the circumstance that Lord Brougham was sitting on the Woolsack and conversing with the Lord Chancellor at the time.] My noble and learned Friend has, as the lawyers call it, let judgment go by *nil dicit*. My other noble and learned Friend says, that he is not sorry that I have not spoken. I believe he is not sorry when I am silent; but I will not be deterred by fear of him from expressing my opinions when I think fit, and whenever he shall put forward the principles to which he has attached himself, and which I condemn; for he has departed from those principles for which I once admired and concurred with him. I say, whenever he does bring forward those principles, I shall think it my duty to bring forward those which he once advocated, and oppose those which he now adopts.

Lord *Brougham:* My Lords, I have been charged with irregularity. Any thing more grossly unfounded in point of fact than that charge, I have never happened to have heard even from my noble and learned Friend. My Lords, I had a perfect right to address your Lordships in the course of this debate. The rule of Parliament—of both Houses of Parliament, and I have sat longer in both Houses of Parliament than my noble and learned Friend—is, that every Member has a right to speak in the course of a debate. My Lords, I had not spoken in this debate, and I had a right to address your Lordships, as I did; and after the noble Marquess had taken his seat after a speech in reply, which the courtesy of the House alone gave him the title to, I had a right to have risen and addressed myself to the subject before your Lordships. That right which I, as a Peer of Parliament, have, no taunt of ignorance—no taunt of ignorant new Members of Parliament, who do not know the A B C of Parliamentary regulations, who show an ignorance so gross that I should not have thought it possible for any person to have shown the like of it on any subject—my Lords, I will not be deterred from the exercise of my undoubted right, as a Peer of Parliament, by the taunts of such ignorance; but, my Lords, I confess that, in a second time addressing your Lordships, I am out of the strict rule of your Lordships' House; but is that an unusual course in Parliament? Is it not, on the contrary, usual in both Houses of Parliament to allow a departure from the strict rule in favour of an individual Member who finds himself unexpectedly charged with an offence? That, my Lords, is my ground for imploring the indulgence of your Lordships; and now glad and happy am I to find, for the first time, that charge produced in this House, when I can meet it face to face—the vile, the false charge—the foul imputation that I have changed my political principles, when I quitted that party of which as a party man for so many years—to my no great advantage—to their no great advantage, perhaps—I was the zealous, the constant, the unflinching, the untiring supporter. My Lords, I have not changed my principles; but I was compelled to change my relations with them when they parted with the principles which we had held in common, as I again and again took occasion to tell them when I was sitting by them on the other side of the House, without ever receiving the shadow of a pretext of any answer. My Lords, I deny the charge. I defy any man to prove it; and I will speedily, now that I am charged by my noble and learned Friend, give him an opportunity of substantiating his charge, since he has been chosen as the most powerful, the best informed, the most judicious, the

most discreet, the most experienced antagonist against me whom they could call out from among them and find in all their ranks,—I will give them an opportunity of showing—I think I shall be able to do so—if they can, that I have departed from any one political principle that ever I advocated at any one period of my life. That challenge is a large one, my Lords; but I throw down that challenge with the most absolute and undoubted confidence that I must prevail.

Lord *Campbell:* My Lords, I will not detain the House any long time. My noble and learned Friend, as I shall still call him, has said that he will give me an opportunity of entering on these topics. It may happen, perhaps, that he may show that those to whom he now attaches himself have all changed their opinions and adopted the opinions he once held and advocated. Whether they or he have changed, it is not now the opportunity for me to discuss, but I shall be ready to do so at a fitting opportunity.

The *Lord Chancellor* begged the indulgence of their Lordships while he made some observations on what had fallen from the noble and learned Lord (Lord Campbell). The noble and learned Lord had said, that a grave charge had been brought against the Government with respect to the conduct of the trial in Dublin. He (the Lord Chancellor) had heard no such charge from any noble Lord who was a lawyer, and with respect to the charges made by persons who were not lawyers, he considered that those charges were satisfactorily answered by his noble Friend the President of the Council (Lord Wharncliffe), and his noble Friend the President of the Board of Control (the Earl of Ripon); for that reason, and having been absent at the moment, he had not been disposed to trouble their Lordships with any remarks on the subject.

The House then divided, Content, Present, 39; Proxies, 39: Total 78.—Not Content, Present, 79: Proxies, 96; Total, 175:—Majority 97.

List of the Contents.

MARQUESSES.
Conyngham
Lansdowne
Normanby

EARLS.
Auckland
Clarendon
Errol
Fitzwilliam
Fortescue
Minto
Morley
Radnor
Scarborough
Yarborough
Zetland

VISCOUNTS.
Melbourne
Ponsonby
Torrington

BARONS.
Beaumont
Camoys
Campbell
Carrington
Colborne
Cottenham
Dinorben
Dormer
Foley
Glenelg
Hatherton
Leigh
Lilford
Monteagle
Montford
Sudeley
Suffield
Teynham
Vivian

BISHOPS.
Ely
Hereford
Norwich

Proxies.

DUKES.
Bedford
Devonshire
Leinster
Norfolk

MARQUESS.
Headfort

EARLS.
Besborough
Bruce
Burlington
Camperdown
Carlisle
Charlemont
Cowper
Cork
Effingham
Fingal
Fitzhardinge
Gainsborough
Gosford
Ilchester
Lichfield
Roseberry
Spencer
Stair
Suffolk

BISHOP.
Durham

BARONS.
Bateman
Berners
Crewe
Godolphin
Lovat
Methuen
Mostyn
Poltimore
Portman
Rossmore
Say and Sele
Stanley of Alderley
Stewart de Decies
Vaux

List of the Not-Contents

Lord Chancellor

DUKES.
Buccleuch
Buckingham
Cambridge
Marlborough
Montrose
Richmond
Wellington

MARQUESSES.
Bute
Camden
Cholmondeley
Exeter
Salisbury
Westmeath
Winchester

EARLS.
Aberdeen
Aylesford
Bathurst
Caledon
Clanwilliam
Dalhousie
Digby
Delawarr
Devon
Dunmore
Eglintoun
Enniskillen
Haddington
Hardwicke
Jersey
Longford
Lucan
Orkney
Ripon
Roden
Rosslyn
Sandwich
Shaftesbury
Somers
St. Germans
Verulam
Wilton

VISCOUNTS.
Beresford
Canning
Gage
Hawarden
Hood
Lake
Lorton
Lowther
Massareene
Middleton

Strangford
Sydney

BISHOPS.

Exeter
Llandaff
Rochester

BARONS.

Blayney
Braybrooke
Brougham
Bexley
Boston
Carteret
Colchester
Colville
De Roos
De Lisle
Feversham
Howden
Kenyon
Prudhoe
Polwarth
Rodney
Redesdale
Rivers
St. John
Sinclair
Southampton
Wharncliffe

Proxies.

DUKES.

Beaufort
Northumberland
Portland

MARQUESSES.

Bristol
Donegal
Downshire
Ely
Hertford
Ormonde
Thomond
Tweeddale
Waterford

EARLS.

Abingdon
Airlie
Balcarres
Buckinghamshire
Ferrers
Galloway
Glasgow
Home
Leven
Macclesfield
Morton
Pembroke
Poulett
Seafield
Selkirk
Stamford
Warwick
Westmorland
Amherst
Bandon
Beauchamp
Brownlow
Cawdor
Courtoun
Charleville
Clancarty
Donoughmore
De Grey
Dunraven
Eldon
Falmouth
Glengall
Harewood
Harrowby
Howe
Limerick
Mayo
Mt. Edgecombe
Onslow
Orford
Powis
Ranfurly
Sheffield

VISCOUNTS.

Arbuthnot
Canterbury
Combermere
De Vesci
Exmouth
Melville
Sidmouth
Strathallan

BISHOP.

Gloucester

LORDS.

Alvanley
Ashburton
Berwick
Bayning
Bagot
Clinton
Carbery
Clonbrock
Crofton
Castlemaine
Cowley
Dynevor
Dunsany
Delamere
Downes
Ellenborough
Farnham
Grantley
Glenlyon
Gifford
Harris
Heytesbury
Northwick
Rollo
Ravensworth
Seaton
Saltoun
Sandys
Stuart de Rothesay
Skelmersdale
Wynford
Wodehouse

Paired off.

CONTENTS.	NOT-CONTENTS.
Duke of Somerset	Marquess of Aylesbury
Marquess of Anglesey	Earl of Essex
Marquess of Westminster	Earl O'Neil
Duke of Leeds	Lord Forester
Earl of Belfast	Lord Churchill
Marquess of Clanricarde	Earl of Clare
Earl of Lovelace	Earl of Beverley
Earl of Thanet	Viscount St. Vincent
Lord Wenlock	Earl of Dartmouth
Lord Furnival	Lord Keane
Lord Stourton	Bishop of London
Lord De Mauley	Earl of Malmesbury
Lord Belhaven	Earl of Lauderdale

House adjourned.

The following Protest was entered on the Journals:—

"DISSENTIENT—

"Because the military occupation of one-third of the United Kingdom, avowedly on the ground of the general discontent of the people, is a state of things which calls for the immediate attention of that Parliament to which are entrusted the interests of the whole United Kingdom.

"Because those discontents are not confined to that portion of the Irish people who advocate the Repeal of the Union, nor even to our Roman Catholic fellow-subjects alone. The grievances of their country are felt strongly and stated distinctly by some—the highest in rank and most influential in position—of the residents in Ireland of all religious persuasions.

"Because the attempt to govern a country possessing the framework of free institutions through the exclusive influence of a small minority, never did and never can succeed.

"Because no satisfactory explanation has been given of the vacillation and subsequent rashness shown by the Government in dealing with the present agitation in Ireland.

"Because the recent legal proceedings have been conducted in a manner to deprive them of that weight in public opinion which belongs to the due administration of justice.

"Because the measures announced by Her Majesty's Government, even if admitted to be in the right direction, are utterly inadequate to meet the legitimate wants of the Irish people.

"Because under the system pursued during the first four years of Her Majesty's reign, the value of property in Ireland had increased, in consequence of the tranquillity produced by confidence in the impartial administration of the laws. Since then, Ireland has become the chief difficulty of the Executive, and for this reason, that those who, as legislators, had previously impeded the full extension of equal

laws, have since, in the conduct of the Government, neglected to secure to that people the practical enjoyment of equal rights.

"Normanby,
"Clarendon,
"Campbell,
"Monteagle (of Brandon), for second, third, and sixth reasons,
"Dinorben,
"Colborne,
"Fortescue,
"Auckland,
"Lansdowne, for second, third, and sixth reasons,
"Lilford, for second, third, and sixth reasons,
"Foley,
"Camoys,
"Suffield,
"Beaumont, for sixth reason.
"Radnor, for sixth reason,
"Scarborough,
"Teynham, for first and sixth reasons,
"Vivian, for second, third, fourth, fifth, and sixth reasons,
"Yarborough."

HOUSE OF COMMONS,

Thursday, February 15, 1844.

Minutes.] New Members Sworn.—Thomas Henry Sutton Sotheron, Esq., for Wilts. (Northern Div.)—Nicholas Maher, Esq., Tipperary.

Bills. *Public.*—3° and passed:—Offences at Sea.

Petitions Presented. By Mr. French, from Scarborough, respecting Window-tax on Licensed Victuallers.—By Mr. W. O. Stanley, from Denbigh, against Union of Sees of St. Asaph and Bangor.—By Mr. Watson, from Solicitors in the Court of Chancery, for Enquiry into the late Compensations.—From Hemingby, and 11 places, against any Change in the Corn-laws.

State of Ireland—Adjourned Debate—Third Night.] On the Order of the Day being read for resuming the Adjourned Debate on the State of Ireland,

Mr. *Ross* spoke to the following effect; I am heartily in favour of the proposal of the noble Lord, the Member for London, to go into a Committee of the whole House. Nothing has fallen from Ministers to supersede the necessity of such a course. I have anxiously watched for some indication of a desire to do that full justice to Ireland which has been so earnestly sought, so long delayed, and which now more than ever is so essentially necessary to the well-being, not of Ireland alone, but of the United Kingdom. I make light of the hon. Baronet's petty improvements; his gentle alteratives are quite insufficient to cure the complicated diseases of that country. I lament the absence of such a disposition on the part of the Government and the majority of the House. I am unwilling to charge them with conscious and deliberate injustice, but I must say, that their apprehension of Irish grievances is so faint and imperfect, their estimate of Irish rights so narrow and illiberal, as to leave them at issue on the definition of justice with the great mass of the Irish nation, including a majority of its representatives, a large proportion of the British people, and the whole world of impartial spectators of this struggle for equality, to whom their Irish policy has ever seemed inexplicable. If there were now present any intelligent foreigner, moderately acquainted with the history of these countries, but knowing no more than foreigners generally do of the hidden influence—the class and party motives that have governed and perverted our legislation—he would be sorely puzzled to reconcile with his political knowledge and experience these extraordinary facts;—that after a connection of six centuries with Ireland, and a nominal incorporation of forty-three years, no real union and consolidation of strength has yet been effected; and that we, the representatives of a people accounting themselves the wisest and most understanding upon the face of the earth—knowing the full extent of the evil—with the warnings and the encouragements of history before our eyes—with the opinions of statesmen and sages recorded for our guidance, and with the broad light of recent experience shining on our path, seem yet undecided which way to go, or rather seem obstinately bent on perseverance in the old, dull, disastrous circle of expedients to which our counsels appear to be confined and spell-bound. This is what fills the civilised world with astonishment. We have found a way to govern our immense eastern empire in peace. The North American colonies acknowledge our beneficent intentions, and are grateful. After a period of barbarous and rapacious rule, we changed our hand, and secured Hindostan by governing with equity, and by wisely conforming our politics to the genius and spirit of its populations. Even our aggressions on the frontier tribes have been followed by assurances, that we neither seek to plunder nor to oppress, nor to insult the vanquished, and by the introduction of something compensatory to the mass of the inhabitants. If charity should begin at home, so should justice. You have little to spare for Ireland. But I may be told, as I have been told, that Ireland is not to be conciliated. A strange assertion! Indi-

vidually we are allowed to be placable and grateful: how can we be otherwise in the aggregate? I suppose we may be proved so by the logical process which from a multitude of meetings, each of which is legal, constructs illegality. Bad and threatening as I admit the aspect of affairs to be, I hold it unreasonable to doubt the possibility of thoroughly and at once tranquillising that country. Sir, any man in this House possessed of firmness and strong common sense, freed from the trammels of party, and, if such a thing may be for a moment imagined, clothed with dictatorial power, could do it. The Legislature is absolute, and wants not the way, but the will. No doubt there are difficulties to be encountered, but difficulties of our own creation—none of them insurmountable to vigour and manly determination. Every month's delay, however, arguments the difficulty, and in a rapidly increasing ratio. The Irish mind is not now, unhappily, in the grateful, confiding, hopeful state, produced by the administrative government of two successive Lords Lieutenant who sought and gained the affections of the Irish people; nor could that golden opportunity, which the madness of faction cast away, be restored by ordinary means. But a successful experiment—successful beyond all possibility of doubt—stands fully established, inviting the rulers of the country to repeat it, in hope of a like result. No man can deny that, for some years, while the feelings of my countrymen were soothed by the novelty of a gentle, impartial, considerate administration of the law, and a discreet exercise of patronage, and while their hopes were sustained by the efforts made by those in power to enlarge the boundaries of popular privilege, that peace, order, and contentment prevailed throughout the land, to a degree theretofore unknown; that the gaols were tenantless—troops not needed—and that it required all the wit and mischievous ingenuity of political leaders to keep the dying flame of party spirit alive. Peace was established; concord would soon have followed. If there were great grievances yet unredressed, the people were willing to endure them for a season. The clouds that had thickened over Ireland, in the long night of her calamity, were too heavy to be dispersed in a moment; but there was a general confidence that the day which would scatter them was at hand, and already their skirts were tinged with the promise of a gracious dawn. During that lull in the Irish storm, the Government of the day found itself engaged in a contest with one of the colonies, and a noble and learned and very eloquent person, charging the disorders of Canada upon its rulers, contrasted the lenity and indulgence of their Irish policy with what he considered the harshness and severity of their Canadian. Why do I advert to these events? Because, from both cases we derive conclusive evidence that kindness and justice are better pacificators than monster indictments and military repression. Lord Brougham, after commenting on a saying of Charles Fox's, in a manner which the noble Lord, the Member for London, who had quoted it, would probably think more ingenious than just—thus expressed himself on the 2nd of February, 1838,—

"Give them (the Irish) all they ask. But for Canada, refuse all they ask—turn a deaf ear to every complaint—mock them with hopes never to be realised—insult them with rights which, if they dare to use, shall be rudely torn from them, and, for abiding by the law in seeking redress of their wrongs, punish them. We have all seen, or we have read, of the contrast between a parent and a step-mother in the treatment of a child—the contrast between tenderness, self-denial, self-devotion, and cruelty, self-indulgence, studied neglect. The one exhausts every resource of kindness and conciliation, anticipates all wants, yields to each wish that ought to be granted, studies to prevent offences by judicious training, and to reclaim from error by gentleness alone, nor ever have recourse to punishment until all means of prevention fail, and the safety of the cherished object forces her to do violence to her feelings rather than neglect her duty. But I have known conduct the reverse of all this. Who, indeed, has not heard of the step-mother watching for the occasion of quarrel, taking offence at everything and at nothing, fostering every little failing of temper in the child, till it ripen into disobedience, and furnish the pretext for the wished-for punishment; alternately too indulgent and too severe, by fits and by caprice, harsh and gentle—now flinging to it some plaything, and the instant the child uses it, flying into a fury, and snatching it away, and giving vent to anger by punishment or by restraint—now visiting on the offspring the faults of her own mismanagement, and never for an instant pursuing a steady, or a just, or a rational treatment. These things have I witnessed, and who has not? But never have I known an example of contrast so marked, so violent, so outrageous, as between the parental care of Ireland, and the step-mother treatment of Canada."

Alas, for Ireland! how has the picture been reversed! Where is now the "parental

care" of which she was the object when these reproachful words were uttered. I grudge not the Canadians what they have gained—far from it. I trust all has been well and wisely arranged, and for their permanent happiness. But I cannot help asking, in bitterness of soul—towards whom is the deaf ear now turned? Whose complaints are unheeded, whose hopes are now mocked? Who, for abiding by the law in seeking redress of their wrongs, are accused of traitorous designs? Happy Canadians! on you tenderness and parental care have wrought their wonted effect, subduing you invincibly to feelings of affectionate respect, which may no mistakes or temporary inconvenience ever weaken! Fortunate colonists! We, less happy, an integral portion of the Empire, as we are told, have been doomed to experience something very like the harshness and injustice of the step-mother, watching the opportunity, fostering little feelings of temper and pouncing down upon the victim, when offences, long unrebuked and unnoticed, have grown to such a head as to furnish a pretext for vengeance. What wonder, then, if Ireland, exchanging the parent for the step-mother, has exchanged also her new born feelings of gratitude and confidence, which might have been turned to such excellent account, but which have been chilled and blasted by unkindness, for suspicion and hatred? The leader of the Repeal Movement has been treated with injustice as well as with great severity; he has been prosecuted to conviction for endeavouring to effect an object, which, however impolitic, none have asserted to be illegal; and now he is charged, most unjustly charged, with insincerity and hypocrisy. His words, you say, are "smoother than oil," but his thoughts are bent on mischief and violence. Now, in my conscience I believe that Gentleman to be as sincere as I am myself, in his exhortations to the people, not to disturb the peace of society. Had not that hon. Gentleman again and again, stated in the presence of congregated thousands, that one drop of blood—the life of one fellow-creature—was too dear a price to pay for any political advantage.* Sir, I have heard much vaunting language about the victory just gained over the conspirators. Let the House judge by the reception which the head conspirator has just met, whether there be much cause for triumph. You may put that man in gaol—but what will you gain? What security will that afford for the preservation of peace in Ireland. Suppose Louis Philippe were to declare war [*Cries of* "Oh! oh!" *from the Ministerial Side of the House.*] would it not be acknowledged to be unwise thus to have alienated the affections of a people so well able to contribute to our defence? Gentlemen may cry "Oh! oh!" but I have a right to treat this as a great political question—and to take into account all possible chances—and I tell you, your Irish policy is fraught with danger. Sir, the unhappy change I have spoken of, is not the consequence of levity and fickleness of disposition. Quite the contrary. Remember, that the party which succeeded to power in 1841 was the same which had denounced every measure of conciliatory administration, and thwarted their opponents in every attempt at remedial law. The result has been a curious coincidence in some respects—a remarkable contrast in others—between the growth and manifestation of Irish and Canadian discontent. In Canada, at the time I speak of, dissatisfaction was evinced by combinations of a dangerous character. Meetings were held, which were so menacing in the judgment of the Governor-general, as to call for the dismissal of many magistrates and public functionaries for attending them. This was the first parallel case; but in Ireland the meetings partook of no such character, and the stigmatized magistrates were at all events above suspicion of disloyalty, or of being aiders and abettors of public disturbance. They were thrust out of their commissions, for seeking a lawful object, by means which no man there ventured to call unlawful; for attending meetings, when their presence was a guarantee for the preservation of the peace. Next in the progress of Canadian discontent—we hear of the formation of central, district, and local committees. Something analogous occurred in Ireland. Lastly, the ordinary tribunals of justice were discountenanced, and as far as possible set aside by the appointment of *amiable compositeurs*, in other words, courts of arbitration. Here the parallel ends; for the next step of the Canadian leaders was to commence a military organization under the name of police.—It is absurd to talk, as some do, of "the O'Connell Police;" they were appointed in good faith to preserve order at the meet-

* At this moment the hon. Member was interrupted by Mr. O'Connell entering the House, and by his entrance having been welcomed with cheers by the Opposition. When the cheering had ceased, he proceeded.

ings, and they had nothing of a permanent character. Here I say the parallel ends. Canada broke out into open revolt; Ireland — though the fire was at her heart — preserved a calm and peaceful demeanour. Ireland — wronged as she is and taunted by those who wish her ill, —has shown no disposition to follow the example of Canada. She was warned by O'Connell, as the noble Lord well remarked, against that example. I trust both leaders and people will maintain their present attitude of patient expectation, and enlist the sympathies of all their fellow subjects who can admire true greatness, by firm and temperate conduct; but I also fervently trust that Ireland's exemplary abstinence from violent courses will not furnish to Parliament a mean and base motive for dealing with her less leniently—less kindly —with less consideration for her manifold claims on the justice of the Empire—than with the once turbulent, but now, in spite of some drawbacks, happy and peaceful Canada—and that her misfortunes will find at length a like satisfactory termination. But no exercise of forbearance, no temporary control of excited feeling, no wisdom, no authority can avail, unless Parliament interpose, and apply itself seriously and with entire determination of purpose, to extirpate the roots of discontent from the Irish soil. Something might have been done last Session. What was done? You abolished a useless and irritating custom. I thank you for that. But as a set-off against that trifling boon you attempted to impose upon the country a frightful Arms Bill. Thanks to the artistic skill of Her Majesty's Opposition, the grim features of the original were so much softened, that its parent would hardly have recognised his own offspring; and now, I think it best described in worthy Dogberry's language, as "very tolerable and not to be endured." But what good end has been gained by this bill? Has it deprived the fierce administrators of their own bloody code of agrarian laws of the means of executing their decrees? That was the noble Lord's object—has he gained it? Have those who backed the noble Lord on grounds of their own obtained their wish? Macroom was a failure—the Abbeyleix lecture was read in vain. We have more arms in the country than ever, and what is worst of all, and exactly what I predicted, ardent leaders have instigated their adherents to arm in expectation of what is to follow. Sir, I was roundly rebuked last Session for pointing out the probable consequences of this unfortunate bill. The partiality which I foresaw did break out, and was only suppressed by the noble Lord's grave admonition, for which he has my thanks. But there are evils connected with the Bill which the noble Lord's authority cannot reach. What will the House think of combinations to arm under pretence that men's lives and properties are in danger? Will the House believe that gentlemen of rank and station—clergymen of the Established Church—went about last autumn begging subscriptions to supply the Orangemen with arms and ammunition? If I do not greatly err, the noble Lord is my witness to the fact. Will the House believe what I believe—because I have it from excellent authority—that in a town belonging to an English duke, there was lately a magazine of muskets which were distributed among men of "the right sort," on the easy terms of payment by small instalments? The fruit of your Arms Bill is general arming, and mutual terror greatly heightened by the military precautions taken in the most tranquil districts. Remarking on the amount of force employed, the hon. Gentleman spoke of the loopholes in barracks at Belfast, and of sentries mounting guard before the church doors during service on Sundays; and asked, "Is this ever to end?" Can nothing be done to give peace and prosperity to afflicted Ireland? What price, I ask, is too high to be paid for the affections of a people whom the misdoings and neglect of the Government have greatly alienated? Is the sacrifice of some few prejudices, some petty interests, what you cannot contemplate? If you can, you may purchase what is of inestimable value. How? By scrupulous practical regard to the religious feelings of the people, which have been outraged; by satisfying the cravings of the nation for justice and protection, which have been withheld; by affording countenance and favour to men and classes on whom you have frowned, or at least treated them with a stinted and half-hearted semblance of liberality; by searching out with a keen eye, and plucking up with a bold and vigorous hand the roots of abuse and dissatisfaction; by expending on the improvement of a country, capable of pouring back into the lap of Britain with grateful and abundant interest, that wealth which you are now lavishing—disguise it as you will—in the maintenance of fleets and armies for keeping down a

spirited people — lavishing as fruitlessly as if you sowed it upon the waves. Sir, this is sound advice. I may say so without a boast, for I claim but the merit of a judicious borrower. I took it from one who wrote for all time and all countries—one before whom the most sagacious statesman of modern days ought not to be ashamed reverently to bow his head—I mean Lord Bacon. Touching the Queen's service in Ireland—that great man thus opened his mind—but first let me quote a passage in which he expresses his sense of the value of Ireland in language not since matched by the loftiest encomiums of her most gifted sons:

"Another Britain—endowed with so many dowries of nature, considering the fruitfulness of the soil, the ports, the rivers, the fisheries, the quarries, the woods, and other materials; and especially the race and generation of men—valiant, hardy and active—as it is not easy—no, not on the continent, to find such confluence of commodities, if the hand of man did join with the hand of nature."

Such was Bacon's estimate of Ireland and the Irish in James the First's time. Have we degenerated since? Now for his advice; now let us see how the hand of man is to be joined to the hand of nature. The passage I am about to read was quoted some weeks ago in the *Spectator*. It runs thus:—

"The reduction of that country, as well to civility and justice as to obedience and peace—which things, as affairs now stand, I hold to be inseparable—consisteth in four points: first, the extinguishing the relics of the war; second, the recovery of the hearts of the people; third, the removing the root and occasions of trouble; fourth, plantations and buildings. Towards the recovery of the hearts of the people (he says) there be but three things *in rerum natura*; first, religion; second, justice; third, obligation and reward. For obligation and reward, it is true no doubt what was anciently said, that a state is contained in two bonds, *præmium* and *pœna*, and I am persuaded if a penny in the pound which had been spent *in pœnâ*, had been spent *in præmio*, things had never grown to this extremity. But to speak forwards, the keeping of the principal Irish persons in terms of contentment and without cause of particular complaint, and generally the carrying of an even course between the English and the Irish as if they were one nation, without that same partial course which hath been held by the governors and counsellors there, that some have favoured the Irish, and some contrary, is one of the best medicines of that state."

I appeal to the House and to the country, whether we are not as much open to the reproof, and in as much need of the advice contained in this passage, as ever were the Counsellors of Queen Elizabeth or King James. One other short sentence I will quote, for it is strictly applicable to the matter in hand. Bacon's lofty theme is "the true greatness of Britain." After specifying four particulars in which that greatness stands, he adds these remarkable words:—"Fifthly, it consisteth in the temper of the Government fit to keep the subjects"—what, in order? In subjection? No, sir; but "in good heart and courage, and not to keep them in the condition of servile vassals." Oh, that these words were graven on the hearts of Her Majesty's Ministers, that they might feel the grandeur of that sentiment, understand their high mission, and keep stedfastly in view the worthiest object of a glorious ambition! What have they done to raise from the dust of servile vassalage to the dignity of freedom and independence a race of men worthy of a better fate? Which of their measures have been prompted and informed by the spirit of the philosophic statesman? Far other tendencies characterise their legislation than that of keeping up "the heart and courage" of my downtrodden countrymen, who, if they have heart and courage, owe it to God, and not to man. You have done much to depress them—little, indeed, to elevate. But, perhaps, the noble Lord has mistaken the views of the right hon. Baronet; perhaps the right hon. Baronet may make some amends for past errors and neglect, by infusing into the Registration Bill, which is now in preparation, some portion of the lofty and generous spirit of Lord Bacon. Whether the House will or will not consent to an immediate investigation of Irish grievances, the day cannot be far distant when it will be forced to turn its attention that way. Meanwhile all who have any hope of a final issue out of all these troubles, ought to consider well the nature of the evils that beset us. Some hon. Gentlemen have told you, that if the physical condition of the mass of the people were bettered, discontent would pass away like a summer cloud. If so, how comes it to pass that where the people are poorest, they are not the most turbulent? I take upon me to assert, that, setting aside the deplorable case of expelled families, and keeping in view only the settled occupiers of the land, none are more quiet and orderly than those who would be but poor people if they

paid no rent at all—I mean the tenants of little patches of four or five acres of land. As to those who, from their own fault or misfortune, or the heartlessness of their landlords, lose the shelter of a cabin, and a little plot of ground, their lot in such a climate as ours is indeed, appalling; and, yet it is strange how seldom these poor creatures think of wreaking their vengeance on a society to which they owe so very little. In my opinion, Irish wrongs are more keenly felt as national wrongs by those who enjoy comparative comfort, and most keenly by those who have had some education, and whose minds are disciplined to control their feelings. Do not, then, imagine that the poor alone are discontented. Every true Irishman, rich or poor, who sees a defective representation, and a constituency crumbling to decay before his eyes, is, and ought to be, discontented; every Irishman who sees immense sums drained from his country—without the pretence of representation—by imperative presentment under despotic authority, is, and ought to be discontented; every Roman Catholic—that is, eight out of every ten men you meet, who sees a pompous State Church, with which he has no connection, and from which he derives no benefit—gorged with the proceeds of public taxation—is necessarily and most justly discontented; and all the remaining portion of the community, as far as they are influenced by a sense of justice, participate in that discontent. Sir, these things being so, I confess I see no safe medium between a ruthless trampling down of Ireland, an utter extermination of her liberties, and a thorough satisfaction of claims which some hold to be exorbitant, and others, I believe, simply ridiculous. The first plea, which has its advocates—to say nothing of its barbarity—is full of hazard, and even if successful, would be attended with serious loss to yourselves. It never was in your contemplation; that I feel assured of. The second must, no doubt, be very distasteful to many; but a patient in extremity submits quietly to swallow a nauseous dose, or to endure a torturous operation, and this is a case of life or death. In one word, you must make up your mind to let Ireland be a Popish country. I am not talking about toleration — a word which a noble Lord opposite, declared to my great satisfaction, he hated—but I mean that the profession of the religion of the Irish people should be as much unconnected with loss, disability, or inconvenience, as that of the Anglican faith. Less than Scotland gained for a system which is more opposed to the Church of England than is the latter to Roman Catholicism, will not suffice. And if the people of Ireland are bent on rejecting a State provision for the Clergy, why in that case, you must arrive at equality by another process; always preserving to every clergyman the enjoyment of the property he now possesses. Whatever may be said to the contrary, I am firmly of opinion, and I am not singular in my judgment, that all other reforms however valuable in themselves, will prove inadequate to the establishment of durable peace, if unaccompanied by this sweeping, but most reasonable of all reforms. I am no lover of innovation for innovation's sake. "Let well alone," appears to me a safe rule; and I might hesitate to destroy what has the sanction of ancient usage when endurably bad. But here we have to do with what is, as it stands, intolerably bad—vicious in principle, galling in operation, and by no means of palliation to be reconciled with the feelings of millions of men. A word in conclusion upon means. If the Gentlemen who are now in power will try to conciliate Ireland, well—they shall have my humble support. If they shrink from applying the great principle of free government to the institutions of Ireland, and turn away in disgust or in despair from the work of needful reformation,—if they have nothing better to propose for the healing of the nation than their old nostrums and quack remedies, let others try their hand who see their way to a happy issue, and who will be cheered on and assisted by the British people in their generous effort to satisfy the claims of their wronged brethren. Men equal to the emergency are to be found, and Ireland may be saved. To adopt the language of the oracle I have before consulted, language singularly applicable to the present time and circumstances,

"I know Her Majesty shall not want the information of persons expert and industrious who have served her there and know the region; nor the advice of a grave and prudent council of estate here, which know the pulses of the hearts of the people, and the ways and passages of producing great actions."

Mr. *Borthwick* said, the speech of the hon. Gentleman who had just sat down had added another to the many proofs afforded by the whole course of that debate, that one of the most desirable, and he was inclined to believe, one of the most

effectual methods for tranquillizing the tumults of Ireland, was the infusion into the discussions of this House something of moderation in temper and expression. He would endeavour to follow so good an example. The hon. Gentleman had begun and ended an able speech by medical figures and illustrations. He had begun by complaining of the gentle alteratives proposed for Ireland by the right hon. Gentleman at the head of the Government, and he had ended by speaking of the stronger essences which he meant himself to prescribe. But he had been singularly vague and uncertain in his definition of the latter. He had spoken of the Church of Ireland, but he had not signified his plan of reforming it; he had complained of the state of political rights and privileges, but he had not signified in a definite manner any plan for its amelioration. He was sure that if the parallel drawn by the hon. Gentleman between Ireland and Scotland were intended to point to an establishment of the Roman Catholic religion in the former, as the Presbyterian faith had been established in the latter, the most strenuous opponent to his plan would be the noble Lord the Member for the City of London. And this was the objection to the noble Lord's motion—that though there were many parts in all the speeches by which it had been supported with which, if proposed in the shape of practical legislation, he and others would be most happy to agree, yet the motion itself was, to all hope of effecting the measures so hinted at, the most entire and utter extinction. If the noble Lord really had such measures in contemplation he could not have adopted any plan more effectual to prevent their adoption than the motion propounded from the Chair. What would be the effect of that motion? Not certainly to carry any beneficial measure for Ireland, but to displace one set of Ministers from those benches, and to occupy their places by others; would this be desirable for Ireland? Why, most certainly not in the sense of the hon. Gentleman opposite — for the noble Lord had already held office for ten years, during which Ireland had the same Church and the same Civil State, and all the other evils now complained of; and in those days the noble Lord was an advocate for the Church, and left the State as he found it. Had truth, then, changed its eternal principles, or had the noble Lord sought to move this House for the purpose of faction only, and party? But this was a question all too large for the tiny grasp of faction. When party attempted to use—or abuse it rather—for her pitiful purposes—she herself must fail. It was too deep and too broad for her limited vision. Yes, be the politician whom he might who should try to rise upon the admitted sufferings of the Irish people—not to the moral dignity of their alleviator and physician — but to the miserable exaltation of a more miserable party—such a man must acquire an infamy which must live for all time—an infamy which must attach to the party and its leader too; and here he must be permitted to state firmly, but respectfully, to the noble Lord (Lord J. Russell), whom he regretted not to see in his place, that in some parts of his speech he had employed means only suited to so ignoble an end. He had asked at one time a question which, perhaps from the delicacy of his position, had, he thought, been feebly answered by the right hon. Gentleman the Secretary for the Home Department. The noble Lord had stated he could inform the House, upon the authority of his late official confidence with the Crown, that Her Majesty was full of the most liberal and the most benevolent wishes for all Her subjects in Ireland, and that she contemplated them all of every creed and sect with uniform and strong kindness. Why, it needed not that the noble Lord should assert this, nor that his right hon. successor should confirm it. Every one who had marked her career, from the moment of her accession to the Crown down to that instant, knew that our Sovereign Lady Victoria was of a high and generous nature, worthy of the sires from whom she was descended, and worthy of the mighty empire which she ruled. God long preserve her! But for what purpose did the noble Lord state this so well-known fact? Why, that he might ask this question—and eloquently and indignantly did the noble Lord put it to the House—"Who is he," said the noble Lord, "who shall stand between this fountain of Royal grace and the objects of its destiny?" This was the substance of the noble Lord's inquiry. He would tell the noble Lord who —not the conspirators in Ireland, the firm hand of the law had temperately but effectually put them down—not any new shape which their mischievous agitation could take; but he who could effectually

prevent the Royal good-will from taking effect in Ireland must be a man who, to the honours of ancient lineage and noble birth, should add the weight of distinguished moral worth, one who should possess large intellectual endowments ripened by consummate scholarship and extensive observation—one who by those great qualities crowned all and adorned by an amiable temper, which should gather to him in affectionate respect a mighty party in the state whom he should lead and control. Ay, when such a man should descend from the lofty position he so deservedly occupied to join hands with convicted conspiracy, and insinuate against his great rival the miserable taunt that he was the obstacle between the Royal heart and its dearest and noblest aim—he said when such a man should so act, he would be indeed, a great and effectual barrier between the wishes of his Sovereign for Ireland and their fulfilment. He would only ask the noble Lord and the House, in the words of Pope—

"Who would not laugh if such a man there be?
"Who would not weep if Atticus were he?"

So much for the first question of the noble Lord. Now, he had asked a second question, which he (Mr. Borthwick) would also take leave to answer. The noble Lord had demanded—what benefit did the Administration promise itself from the recent trials in Ireland—

"You have obtained, (said he), your conviction; but what else have you gained? Have you not rather added strength to the hands of agitation than bound them up? Is not Mr. O'Connell likely to address the people of Ireland with more effect, when he appeals to them no longer as their liberator and friend merely, but as their suffering martyr, convicted and imprisoned for their sake?"

Now, he admitted that he had at first, when these prosecutions were undertaken, entertained a view not unlike that of the noble Lord. He thought that it was an enterprise on the part of the Government of which the failure must weaken themselves and the success strengthen their enemy. He had thought so; but he found now that he had overrated the influence of the agitators, and under-estimated the loyalty of the people. He was convinced that two great benefits must follow from this conviction. The first was, that it laid the wide field of Irish legislation fairly open to the Government. It freed the Imperial Parliament from fetters which had hitherto bound them when they attempted to achieve any improvement of the Irish condition. Admit, for example, that the Act of Catholic Emancipation in 1829 was a great benefit to that country, did they not hear from day to day in that House that half its value was lost in the fact that it had been wrung from Ministerial fears, and not awarded from Ministerial justice? Well; but now the Crown had begun by placing the finger of the law upon dangerous agitation. It had first silenced the menace of disaffection, and could now effectually, and of its own proper and becoming motive, advance and bestow whatever justice should require. It would be now no longer said that that beneficial legislation was wrung from fear. It must be admitted, on the contrary, that it was as spontaneous as willing—as generous as it was just. And a second important benefit conferred on Ireland by these convictions must be, that the people of that country would now be undeceived as to the source from which they could derive the improvement of their condition. They would not any longer look upon Her Majesty as Queen, with Mr. O'Connell Viceroy over her; but they would see that Mr. O'Connell himself must be subject to the law, and that the power of legislation rested not with him, but with the Queen, the Lords, and the Commons of the realm. These were advantages which had been obtained by the convictions, and which never could be derived from such motions as that of the noble Lord. He (Mr. Borthwick) was most anxious, upon this point, not to be misunderstood. Indeed, he had chiefly risen to prevent the misconstruction of his vote, for he could not fail to observe on the other side of the House a disposition to misconstrue every vote given in favour of Ministers, and to attribute it to hostile feeling against Ireland and the Irish people. He for one entertained sentiments of the most opposite character. He admired the Irish people; he believed them to be warm-hearted, generous, and loyal; and he wished to vote on this question for their benefit. He claimed for himself, and for every English Member, this construction of his vote. No English interest could be advanced; all English interests on the contrary, must be fearfully impeded or annihilated, by the injury of Ireland. But did Ireland derive benefit from that tumult and sedition of which her valleys

had been the scene, and herself the victim? And that very night, when Mr. O'Connell had entered that House, he had been greeted with cheers. Yes, and it was inferred, because he and those who sat on his side of the House, did not join in those cheers, that they hated Ireland. Now, he would say, that he for one did not doubt the accuracy and justice with which the hon. Members who had spoken last, had described Mr. O'Connell as sincere in his love to his country—honest in his zeal and devotion to her interests. He did not for a moment doubt it. He never had doubted it, and he had sometimes encountered the disapprobation of his political friends for saying so. But he was not there nor were they, to judge of motives. He was there to legislate for the United Kingdom. They did not meet in their character as members of society, but as Members of Parliament; and he avowed that any public man, as a public man who gave public expression to sympathy—not with Mr. O'Connell—but with seditious conspiracy—was offending against the law and the safety of the realm. He admired Mr. O'Connell's great abilities; nay, his devotion to his country; but, however he might think on that point, he must avoid all approval of conspiracy and sedition. Nor let it be inferred from this vote, that he was averse to the improvement of Ireland. The very contrary—he pledged himself to assist any motion which should have such an object. The present motion was, of all plans that could have been devised, in method the least effectual, in effect the most mischievous. Suppose it were carried — suppose the House now in committee—what would follow but angry words, bandied from those to these benches, and perhaps returned with interest? Would those stormy and inflammable accusations fail to communicate their contagion to Ireland, and to excite the causes already too active to fever and vex her quiet and her very existence? No, the agitation had ceased in Ireland, and been transfered to that floor. The agitator was no longer Mr. O'Connell, but the noble Member for the city of London. He, at least was sure, that whatever severity or violence of language Mr. O'Connell had used at those monster meetings of his, he had used no expressions more unworthy of a Member of that House, more degrading to a public man, than had the noble Lord in opening that debate. And must not Ireland suffer from this? Why, what could more fully prove this charge—for he charged the noble Lord with it—than the busy zeal with which he had ransacked the annals of electioneering orgies, the files of provincial newspapers, to seek if haply he might find some strong expressions uttered by some happy Conservative over his cups which he might torture to his purpose? The noble Lord had succeeded in finding some phrase or other, spoken, or more probably never spoken, by an hon. Gentleman; and forthwith he charges the great political party with entertaining sentiments which every one of their Members abhorred from his heart. Was this fair? But more unworthy still was the misinterpretation of the noble Lord of the words attributed by him to the Lord Chancellor — misinterpretation, he would not say wilful, yet he did not understand how it could be otherwise. He would bend, however, his judgment to his opinion of the noble Lord's honour. The noble Lord had quoted the word "alien," used by Lord Lyndhurst many years ago, and reasoned as though that learned Lord had employed it in contempt of some portion of the Irish people. Now, what was the fact? What said *Hansard*, and the reports? Why, that Lord Lyndhurst had thus described Ireland:—

"There are in Ireland, (said he) two distinct races, alien to each other in blood, alien in language, and alien in religion."

Why this applied the word "alien" equally to each party, but most certainly did not attribute the character of alien as from this country to either, Such was the ingenuity with which the noble Lord had tortured the words of that distinguished personage to suit a most unworthy purpose; such was the degradation to which he had stooped. He was sorry the noble Lord was not in his place; it was not his fault; but as he was absent, he would use no severer terms; and the noble Lord had not hesitated, first to misconstrue and misrepresent the Lord High Chancellor, and next to assert what was beyond his knowledge, had it been even possible namely, that Lord Lyndhurst had been appointed to the woolsack only because he had used that expression. Why, was it credible, that the leader of a great party could stoop so low? Not only the nature of the case—the character of public men

made it impossible, but the appointment by the same Government of the noble Lord to the Chief Secretaryship of Ireland would have foiled their own purpose. He did not doubt, in like manner, that the hon. gentleman had equally misconstrued the charge of the Lord Chief Justice of Ireland. If any Judge were so wicked, surely there could be none so foolish, as to employ the word "opposite" so as to imply partiality in an open court. Now, he wished his vote to be clearly understood. He was opposing no measure for Irish improvement either in Church or in State. He was only voting against a motion for kindling and strengthening sedition in Ireland. The noble Lord wished to wrest the reins of power from the hands of the right hon. Gentleman. If he succeeded, would he control the power he would raise? We had experience of this. When the noble Lord was in power, he too, had to deal with Mr. O'Connell; and how? By a Lichfield House compact. He (Mr. Borthwick) was disposed, of the two, to prefer the temperate administration of the law to a league between a Government and Repealers. But he was most willing to admit that there remained upon the Government a solemn responsibility. They had deserved the thanks of the Empire for the manner in which they had obtained these convictions and silenced the voice of sedition which had shaken that Empire, and, it was not too much to say, had startled Europe. So far it was well; but they had not done. Yes, he would as frankly appeal to the one side as to the other. He recommended the Government to be firm and patient—to let the wasps of party sting on—to bear unmoved the whispers of faction and the thunder of sedition—to proceed in the spirit of a large and liberal charity—to bear favour for none, and affection to all—and in this spirit, acting alike for the benefit of Catholic and Protestant, they would secure the peace and lasting tranquillity of Ireland. He challenged the noble Lord to act in a similar spirit—to point out the reforms required. He would not stop at scruples. Let him show that the wrongs of Ireland could be redressed by establishing the Roman Catholic religion, and he would give him his support. But let him remember, that he and Lord Normanby had no monopoly of knowledge about Ireland, or of sympathy with her. On the contrary, they saw with the eyes of party. He would this Session anxiously watch the measures proposed by both sides; and by no partial affection, but by the necessities of the people, he would decide. He venerated the Roman Catholic Church—he admired her great learning and signal piety—he did not forget the number of Christians who worshipped at her altars, nor their worth. It was because he loved Irishmen, and respected their faith, that he would oppose the motion of the noble Lord.

Sir *H. W. Barron* asked the House and the people of England, if, after a dominion of some centuries, the people of Ireland, were to be governed by means of military occupation? Yet such was the confession of the Minister of the Crown in that House! Such was the confession of the Secretary of State for the Home Department. Ireland, he confessed, was held to the British Crown by military occupation. He asked, in sober sadness, of the people of England, of the people of Scotland, of the people of Wales, and of the civilized world, if this were a state to which any people could submit who had the spirit of freedom existing in their hearts and in their hands? He told them, and he said it not in menace—as He who was above him would judge—he said it not in menace, but he said it in sober sadness, did they think that the people of Ireland ought to submit to it? He asked them ought the people of Ireland to submit to it? Ought they to submit to be kept in military bondage to any nation that ever existed? The people of England would not submit to it. They, the English, had given a noble example when they put down tyranny, when they forced the concession of Magna Charta from a tyrant; when they thought it to be their duty, (and he did not say whether they were right or wrong) to bring another king to the block, because he had desired to submit their lives and liberties to his dictation, and not to the laws of England. Why, then, should the people of Ireland submit to such a state of things, and, he now asked them, did they think that it was in human nature long to submit to it? He was satisfied that the people of Ireland would not long submit to it. He for one would never join, under any possible circumstances that he could foresee, in an opposition to the law of the land. He for one would never join in anything approaching to a military array against the

Government of the country. Powerless, perhaps, he may be, still he should be found on the side of the law; but then he asked them, did they think that seven or eight millions of men would thus reason, or that they would have the reasons that he had, for being on the side of the law? The country was in a state approaching to disorganisation; and why? He arraigned the British Government; he did not arraign the British people for this. Had the people of Ireland grievances? And were these grievances to be put an end to? That was the great question; and he was going to answer it, not on the authority of any demagogue, or, as the right hon. Gentleman (Sir J. Graham) had said, of any "convicted conspirators," but he was going to answer it on the authority of men of the highest rank in Ireland—of men having property to the amount of of 500,000*l* or 600,000*l* per annum in that country. He answered it on the authority of that petition which had received the signatures of the Duke of Leinster, Lord Charlemont, and others which had been alluded to during this Session by other hon. Members. That petition states, and states truly, that the electoral body is not proportioned to the population; that in England you have nearly five times as many Members as in Ireland, whilst your population is little more than double; that in England all householders vote for Municipal Corporations; in Ireland (the poorer country) none but persons rated to 10*l.* houses possess that privilege. In England the Established Church is the Church of the majority; in Ireland the Church of one-seventh of the people is the Established Church. In England, the professors of the Church of the majority are promoted to nearly all the high offices of State and the law; in Ireland, few or none of the Church the majority are found in these stations. Are these grievances? Is this justice? Is it prudent? Is it politic? Is it wise? But are the grievances of Ireland limited to these points? Far from it. Many of the Irish Members met at the close of last Session, and addressed the people of Great Britain on numerous other grievances. Amongst other things they demanded a larger expenditure of the income of the State in Ireland. Of all other matters the most urgent and useful would be to develope the resources of that country by useful public works and thereby give employment to the population. Then again another serious grievance is, that offices in Ireland were not filled by Irishmen, but by Englishmen and Scotchmen, and Irishmen felt insulted by not being allowed to govern themselves. You have an English Lord Lieutenant, English Secretary, English Lord Chancellor, Englishmen at the head of Customs, Excise, Police, Post Office, and nearly all public departments. Austria did not dare to do this in Italy, though it was the most despotic government, what England did in Ireland. Austria did not dare to do this in Hungary; Holland had dared to do it in Belgium, and they knew the consequence. He hoped that Ireland would not follow this example. But you may exasperate a nation beyond their power of endurance. In reciting these grievances, it is said sometimes, "but your taxation does not entitle you to more Members." This we deny, and challenge enquiry. The taxation and population taken jointly (which are the grounds of English representation) would entitle Ireland to, at the lowest calculation, 140 Members out of 658 that this House contains. As to the Irish electors, he conceived them to be more independent than those in England. He could cite a case to prove this, that occurred lately in an English county, which, whilst a late nobleman of Whig principles was a large proprietor, the electors always returned a Whig; but when that nobleman was succeeded by his son, a Tory, the electors for the first time in their lives returned a Tory. As property changed hands from Whig to Tory, or from Tory to Whig, in England, the electors changed too, and always voted with their landlords. This, did not occur in Ireland, where the electors voted always according to their principles. Then, with respect to the towns, there was not a single town in Ireland which had been convicted of bribery. But, look to England—look to the Election Committees in this House—look to the use made of the Chiltern Hundreds—look to Sudbury, Stafford and Bridport—look to sundry others in this country which had been convicted of bribery. He defied the House to show any instances of the like kind in Ireland. He certainly did not recollect any two cases, there might be one, in which a Member had been unseated on the ground of bribery, for an Irish borough. He had, therefore, a right to maintain that

the Irish people had proved themselves worthy of the franchise and its extension. With respect to taxation, it was said that in Ireland it was only one-fifth per head what it was in England, and that it was all spent in Ireland. This was a most unfounded assertion. This statement had been made by a Gentleman who had lately written a work upon Ireland, and who had recently been appointed to office by the present Government—he presumed—in recompence for his libels upon Ireland. The late Lord Fitzgerald, then Chancellor of the Irish Exchequer, in 1816, made a very different statement. He stated, that Ireland had actually paid since the Union 78,000,000*l.* of taxation, being 46,000,000*l.* more than her proportion since that period. But he would cite also as an authority the Chancellor of the Exchequer, who sat opposite. The right hon. Gentleman had stated in 1822, that Ireland had been taxed more than she was able to bear. The proportion allotted was 2-17th's; and this was what the present Chancellor of the Exchequer said was more than Ireland was fairly entitled to bear. Lord Sydenham, too, in 1833, stated in this House, that although increased taxes had been imposed upon Ireland since 1807, they had failed of producing an increased revenue. His words were :—

"A case is established in the instance of Ireland which is written in characters too legible not to serve as a guide to future financiers—one which ought to bring shame on the memory of its authors. The revenue of Ireland in 1807 was 4,378,000*l.* Between that year and the conclusion of the war, taxes were successively imposed which, according to the calculations of the Chancellor of the Exchequer, ought to have produced 7,700,000*l.* Yet the result was, that in 1821, the whole revenue was 3,844,000*l.*! Here is an example to prove that increase of taxation does not tend to produce increase of revenue, but, on the contrary, an actual diminution."

A Finance Committee of this House in 1815 reported to the House that "Ireland had advanced in permanent taxation more rapidly than Great Britain herself." Mr. Leslie Foster stated in 1816, "that taxation in Ireland had been carried to the *ne plus ultra*." Lord Castlereagh, Mr. Huskisson, and others bore similar testimony. The question before the House was the state of Ireland, and one of the most important features in her state was the amount of her taxation. Such was the state of the case as related to taxation between the two countries; and how was Ireland maligned—how unjustly was she treated by the Government of the present day. The noble Lord who was at present Secretary of the Irish Government had professed himself to be disposed to promote the interests of that country, and to sympathise in her distresses. For his part, he gave the noble Lord full credit for sincerity in these professions; but, unfortunately, he was prevented from carrying them into effect by the men who surrounded him in Ireland and by his supporters there. The fact was, the noble Lord was in a false position. Why, then, if he found himself unable to do his duty with honour to himself and usefulness to the country, did he not retire from the position which he held? He would certainly prefer that the noble Lord should remain in office, because he thought that he might yet avert much of the mischief that his Colleagues might otherwise do in Ireland. He came now to the question of trade and manufactures, which were said to have increased under the operation of the Union with this country. This statement he denied. With the exception of the cotton manufacture, every branch of industry had decreased since that period. In support of his views he would read a short extract from a speech of the Rev. Dr. Bayton, a champion and talented advocate of Protestant ascendancy in Ireland, and a very decided Conservative. He says :—

"The exports and imports as far as they are a test of a decay of profitable occupation—so far as the exports and imports are supplied from parliamentary returns—exhibit extraordinary evidences of the condition of the labouring classes. The importation of flax seed (an evidence of the extent of a most important source of employment) was in 1790 339,745 barrels; in 1800 327,621 barrels; in 1830 168,458 barrels. The importation of silk raw and thrown was in 1790 92,091 lbs.; in 1800 79,060 lbs.; in 1830 3,190 lbs. Of unwrought iron in 1790 2,791 tons; in 1800 10,241 tons; in 1830 871 tons. Formerly we spun all our own woollen and worsted yarn, we imported in 1790 only 2,294 lbs; in 1800 1880 lbs.; in 1826 662,750 lbs. An enormous increase. There were upwards of thirty master manufacturers in the woollen trade in Dublin, who have become bankrupts since 1821. There has been doubtless an increase in the exports of cotton. In 1800 9,147 yards; 1826 7,793,873 yards. The exports of cotton from Great Britain were in 1829 402,517,196 yards; value 12,516,247*l.*, which will give the value of our

cotton exports at less than a quarter of a million. Poor substitute for our linens which in Ulster alone exceeded in value 2,200,000*l.*"

Another of the extravagant statements of Mr. Montgomery Martin was, that at the time of the Union the Irish Parliament was about to impose high duties upon English manufactures. This was a most unfounded assertion—it was entirely contrary to the fact, as he could prove by reference to public documents. The fact was, that previous to the time of the Union all the resolutions of the Irish Parliament were strongly in favour of free-trade between the two countries. What was required for Ireland now was, that her industrial capabilities should be called into operation. She was endowed with vast natural resources, and it was the duty of Government to call them into operation, and give employment to the people. They should encourage railroads, fisheries, and public works of every kind, which would extend the resources and the industry of the country. But, instead of this, Government only thought it necessary to increase their armies. They had been only three years in office, and had added 11,000 men to the military force in Ireland. They had ceased to govern except by the sword. Did they think they could long continue to govern on such terms? If so, they were mistaken. The right hon. Baronet, at the head of the Government, had said, on one memorable occasion, that Ireland was his "great difficulty." Yes; and it will continue to be so, until they learned to govern the people of Ireland by the heart instead of by the sword. How had the Conservative press both in Ireland and in this country maligned the clergy of the great body of the Irish people? He regretted also to see that some men distinguished for their learning and ability in this country had lent themselves to the aspersions made against the Irish priesthood, at Exeter Hall and elsewhere — aspersions made with no other view, as he believed, than to influence the minds of the people against their Irish Roman Catholic fellow-subjects. He held in his hand one of these publications headed "Awful perjury of popish bishops," and dated "Protestant Association Exeter Hall." Was this decent? Are you astonished at the indignation of the Irish people, when such infamous slanders are poured out against all they hold sacred. Their bishops called perjurers, their clergy termed "surpliced ruffians," and other similar epithets that would disgrace the lowest meeting at Billingsgate. The noble Lord, the Secretary for Ireland, had said, that he could not tax himself with the commission of one act in the course of his connection with the Government of Ireland, that was calculated to do an injustice to the Roman Catholics. But he must tell the noble Lord that many of the acts of the Irish Government had tended to check the confidence of the Irish people, especially as to the administration of justice in that country. Take, for instance, the appointment of all their judges —they being most violent political partizans. The first was the Chief Justice Pennefather, who had recently distinguished himself so much by that charge which was described by the lawyers in Ireland as "the speech in evidence." He was informed, on undoubted authority, that the most intense feeling of indignation prevailed amongst the barristers of the Dublin bar as to that charge, the manner of delivering which, they said, was even more objectionable than the matter; and that never before had any similar act taken place in a Court of Justice—not even in Ireland. This was the opinion of men who had no feeling in common with the traversers. And what was the course taken by this same learned Judge in another case—a charge of libel brought against an Irish newspaper—in speaking to the jury? The terms he used in addressing the jury upon the article which formed the subject of the action, were—"This diabolical libel," thus pronouncing, *ex cathedra*, an opinion of the fact which the jury had to try. The hon. Member also complained of the appointment of Mr. Baron Lefroy, and Mr. Justice Jackson, but solely on account of their political partizanship. The next great error committed by Government was the dismissal of a large number of the Magistrates. That was a most injudicious step, and had shaken the confidence of the whole body of the people in the impartiality of those minor courts over which the Magistrates presided, and it was felt now that those courts were constituted solely by political partizans, and that justice could not, therefore, be fairly administered by them. The last fatal blow was the removal of all the Roman Catholics from the jury panel in the late State Prosecutions in Ireland. They might tell him that the men whose

names had been struck out of the list were implicated with the traversers, and were themselves members of the Repeal Association. It might be so; but whether or not, the act of the Crown lawyers in this respect had shaken the confidence of the people in the administration of justice, and they believed, that the only object was to deprive the Roman Catholics of all share in it, and to pack the jury against the traversers. This opinion was not confined to Irishmen. He had recently conversed with an English gentleman of high station, who, upon enquiring about the trials, and being told they were over, replied, "Yes, over, indeed, with a packed jury, a pistolling Attorney-general, and a Judge Jefferies; such proceedings would not be tolerated in England." Here he might remind the English people how different was the state of Ireland when governed by Lord Normanby and Lord Fortescue, to what it is now. Crime had diminished—the army considerably reduced—confidence in the law—little agitation—party frauds almost totally extinguished. Now crime increasing—the army nearly doubled—barracks fortifying—all confidence in the law extinguished—agitation in the ascendant—party feuds and religious animosities on the increase. He appealed to the Government to change their policy, and to conciliate the Irish people; he asked the House and the Minister—he implored them—in the name of his country, to govern her by her affections, and not by force. Let them adopt that course, and agitation and discontent would cease.

Mr. *Repton* said, that although he was unconnected with Ireland he could not but feel interested in the welfare of that country. He had recently visited Ireland, and he was bound to say, that no one could leave it without feelings of kindness and sympathy for the Irish people. There was no country in the world possessing greater resources, and it ought to be in a more prosperous condition. He believed that the great cause of the decline of commerce and manufactures in that country of late years, of which they heard, and which all deplored, was the agitation for Repeal. Many persons of high authority in Ireland had declared that previous to the commencement of that agitation a great change for the better had taken place, and was spreading over the land, that capital was flowing into it every day, and great improvement was going on. He had felt great anxiety when the Repeal meetings first commenced and wished to see them at once put down by the law. He had, however, since then, seen reason to applaud the wisdom of the Government in the course they had ultimately taken; for he believed if they had failed to prove those meetings illegal they would have increased tenfold, and been tenfold more mischievous. He rejoiced, therefore, that the Government had allowed them to develope themselves in their own proper character, and had then taken a judicious course to put them down. He wished to say one word as to the charge made by Members opposite against the Government on account of the number of troops stationed in Ireland. But, if any outbreak had taken place, and there had not been a sufficient military force to put it down, who would have been the first to say to the Government, "You had sufficient warning, why were you not prepared for the emergency—Ireland is now swimming in blood because you have neglected your duty." One of the greatest curses of Ireland was, that it was always made the battle field of party and religious contention. The people of Ireland were, in common with the people of England, the subjects of the Sovereign, and the good of one country was mixed up inseparably with that of the other. That was his feeling, and it was therefore his most anxious wish to see both countries treated with perfect equality. There was another point in regard to which he would make a single observation. There were some hon. Gentlemen who advocated a State provision for the Roman Catholic clergy. It was his opinion that any Government which should now propose a grant from the State to the Roman Catholic priesthood would commit an act of perfect insanity, for of this he was convinced, that quite as many meetings of agitation would take place upon that subject, were such a proposition made, as had prevailed there during the last three years on the Repeal of the Union.

Mr. *More O'Ferrall* had heard with much satisfaction the speech of the hon. Gentleman who had just sat down, and it was somewhat remarkable that every hon. Gentleman, when first speaking upon the subject of Ireland, was disposed to treat it with great liberality. He was surprised that in the course of a debate on a matter deeply involving the character of the Go-

vernment, and still more so the interests of Ireland, that up to that moment—with the exception of an Irish Lord of the Treasury (Mr. Young)—not a single Gentleman on the other side had risen to express his unqualified approbation of the conduct of the Government in reference to their Irish policy. It was remarkable that in the Speeches from the Throne, or made by the Members in their places, they had never been able to ascertain what the policy of the Government really was, either in regard to England or Ireland. It was true that the right hon. Baronet at the head of the Government had declared, in reference to the Corn-laws, that he meant to adhere to the sliding-scale; and with regard to commercial matters generally he had admitted the principle of free-trade, though he declined to put it in practice. The right hon. Baronet the Secretary for the Home Department had enlightened them on another subject. That right hon. Baronet had distinctly told them what was to be the future policy towards Ireland. He had stated that Ireland (admitting at the same time that it was governed by the Constitution) must, from the force of circumstances, be occupied by troops, and that the Government must, therefore, be one of force. Having, then, this distinct and clear line of policy before them, he must presume that the dodging system had been giving up, and they were now in a condition to call upon the Opposition to consider what course it would take in regard to the Government. He hoped, that all doubt and difficulty would now be at an end with regard to what were the real opinions of Ministers, and that to all parties who differed, and might have differed, as to what would be done on other points, the policy of Ministers in regard to commercial matters in England, and as to the mode of governing Ireland, was clear and decided. [Sir *J. Graham*: The right hon. Gentleman has not correctly represented my words.] The right hon. Gentleman certainly admitted that Ireland was not to be governed by force, that properly the Government of Ireland was the same as that of England, but he immediately afterwards stated that the country was generally occupied by troops. [Sir *J. Graham*: Those were not my words.] At all events the right hon. Gentleman had said that it was necessary, that it was his determination to maintain the Established Church in its present state. Then I say that was the same thing. That was equivalent to saying the country must be occupied by troops, for you cannot maintain the Church in its present state without the presence of troops. I may not have given the words of the right hon. Baronet, but the substance was as I have stated it. [Sir *J. Graham*: I do not admit the opinion of the right hon. Gentleman is mine.] He must be allowed to repeat an opinion he had before expressed on the subject of the Established Church in Ireland. His objection to that Establishment was not a religious objection; he objected not to any human being on account of his religious opinions, but he objected that when a clergyman was appointed for a specific purpose, and was paid for the performance of certain duties, he neglected the great object for which he was appointed, and applied himself to other purposes. In Ireland the Established Church met you at every turn; it was impossible to take a single step in that country without meeting with the Clergy in some shape or other. In executing a power of attorney, in transferring stock, in every transaction connected with public charity (and possibly in those it was least objectionable), the Protestant clergyman interfered in some way or other. And what he contended was, that he assumed, on the credit of being an established clergyman, a position which no other clergyman took. He was constantly appearing in the character of an officer of the Government, and, from the circumstances in which the Established Church was placed in Ireland, he complained that the clergyman was taken out of his proper sphere and placed in a false position. No one could deny that of late years, since political animosity had run high, the Established Church did interfere to a great extent in secular affairs. What he stated was fact, and he was observing on the effect. A feeling had grown up in Ireland, more especially among the farmers, that if they were for any cause to be turned out of their farms, their places would be filled up by Protestants; and this he believed was owing to the anomalous position of the Established Clergy, a position half secular and half clerical. In his opinion it would tend much to the peace of the country, as well as to the advancement of religion, if this anomaly were put an end to, and the clergy con-

fined to their clerical duties. As the law now stood, if a man wished to prove a case in a court of justice, in which a certificate of baptism or of marriage was necessary, the certificate would not be admitted—supposing the marriage or the baptism had been solemnised by a Roman Catholic priest—unless signed by the Protestant clergyman, or supported by some other evidence. Then there were the Ecclesiastical Courts—every will must be registered in those courts, and all matters connected with devised property—of whatever religion the testator might have been—must be referred to those Courts. Why were those Courts managed exclusively by the Clergy of the Established Church? Why not open them to secular officers? Why not place the registration of wills and baptisms on the same footing as the registration of other deeds? He thought there was every reason and every ground why Members on that side, who had been separated on so many points, should now unite upon this question of Irish policy. There were some who desired the Repeal of the Legislative Union, while others were opposed to that and advocated other measures; but he would suggest to those hon. Gentlemen that it would be far better to unite with the Liberal party upon general points, than by taking a separate course upon this question, and upon that, weaken their party, which it was their object to strengthen. The Repeal of the Union was, no doubt, a delicate question. He did not conceal his opinion with regard to the effects of the Legislative Union. His opinion was, that one of two things must happen from it—either Ireland must be raised to the level of England, or England must be lowered to the level of Ireland. He believed that, to some extent, this result was indicated by the present condition of England. The great national distress which now existed here was fast reducing the condition of the English labourer to that of the Irish labourer. Ireland was like a diseased part attached to a healthy body, which, unless it could be either cured or got rid of, would certainly bring the healthy portion of the body into its own condition. This ought to show that it was not Irishmen alone, but every man in this House and in the country, were interested in raising the condition of Ireland. Then why, if this was admitted, were not steps taken for carrying it into effect? There was a strong feeling in Ireland that supporting the Church there in its present condition was a wound to the vanity of the nation. But the right hon. Baronet opposite had stated, as regarded the remedial measures to be applied by Government, that permission was to be given to the Roman Catholics to endow their own church. But they had already done so. They had endowed it very largely. Every parish had its church and churchyard, but which were now in many instances the property of Protestant clergymen. He should be glad to see the Catholic Church provided for by its own Members; but under the existing circumstances he felt that the measure was not what would be productive of much practical benefit. As to the proposed Bill for the Registration of Voters, he, of course, could say little until it should be before the House, but he thought it strange that the right hon. Baronet (Sir J. Graham) had refused to answer a question upon this subject put to him lately by a friend of his, in the public papers after he had seen that Mr. Barker, the late candidate for Tipperary county had stated, that he should contest the county with better chances next time, as they would then have polling places in different parts of the county. Was that announcement official? He would now come to the most important question, that of the late State Trials in Ireland, a subject which had as yet been rather avoided during the progress of the debate. He had already expressed his opinion upon the conduct of the Government in striking off all the names of Catholics from the jury panel. He was, at first, under the impression that there were not so many jurors on the list of known and declared Repeal opinions as it appeared there were. But two of the number struck off, at least, were not Repealers, nor members of the Repeal Association. Now, on the other hand, what were the politics of the persons who had tried the traversers? Had none of them ever subscribed to the Kildare-street Society? Were none of them people of strong—of violent political opinions? Had none of them expressed feelings of hostility and aversion to some of the principal traversers? But, in fact, it was impossible to find a jury against which no man and no party could bring a charge of partiality. Was not that the very best of reasons for not having the trials at all?

The object of punishment was rather to deter, by example, than to inflict retributive pain on the individual. With this view the law should always be vindicated in soberness and with mildness. The Government had got a conviction, but had they obtained any advantage by it? He asked if the conviction was a fair one? He did not believe it was. In fact, he had viewed with great dissatisfaction the whole proceedings of the trial. It had not produced the effect that such a solemn proceeding should have. Had the traversers been brought to the Bar in a dispassionate manner, with no appearance of prejudice, a conviction would have produced a great moral effect; but what effect had it actually produced? A feeling of anger and hostility, and a conviction that the accident which occurred to the jury-list had been the result of intention. He did not hold or avow this opinion, but there had certainly been a most culpable degree of negligence upon the part of the authorities in whose hands the management of the proceedings had been placed. In fact, the whole proceeding, from beginning to end, was a system of blundering most discreditable to any Government. One point to which he would direct attention was the fact, that when the indictment was sent up, and when the traversers asked for the names of the witnesses on the back of the bill, the request was refused, because such was not the practice in Ireland. It was stated to be the practice in England; but the representation produced no effect. It was a bad practice also to find bills of indictment from written depositions—instead of the actual examination of witnesses. The Irish judges had on those points frequently made law for themselves, differing from the rule and practice in England. However, even all that might be passed over; but when he saw the spirit of animosity which the Chief Justice infused into his charge, he could not but express a wish that the tribunal had set a very different example. He wished proper decency of behaviour in court. He wanted that if, when before a magistrate, one man challenging another would be immediately sent to gaol, that were a similar thing to occur in a court of justice, a similar punishment should be inflicted. A friend of his own, having been cross-examined by a very impudent lawyer, sent the latter a three-cornered note. It was immediately handed to the judge, and before four hours had elapsed the challenger found himself lodged in Newgate. He did not find fault with that; but he found fault with the practice having been laid aside in the case of the Attorney-general for Ireland. The object of the Government in the late prosecutions was, as he hoped and believed, to show that the law could and would be vindicated. But if this was their object, should not they remember that it was of the utmost importance that all matters of a legal kind should be so sacred as deeply to impress upon the people the conviction that the most impartial justice was done. When he heard of the challenging of the Catholics from the jury list, he was very indignant. If the course of Government had not been to villify the Catholics generally, if they had not in many cases before the State Trials been objected to, because they were Catholics, he should have thought that the challenges recently made had taken place merely on the ground of the parties objected to holding Repeal sentiments. But he could not think so when he heard the declarations of a person in another place upon the subject. The right hon. Baronet opposite did not hold such views, for he had repudiated them; but when they heard the man-of-all-work of the Government that person who carried about his Billingsgate for hire, when that man was heard in such an outrageous manner to villify a body of men who had never done him any injury he could not but be conscious of the effect of all this in Ireland. Yes, it was notorious that that person had become the supporter of Government. His noble Friend near him had spoken of another person, who presided in the House of Lords, and stated that he apprehended that he held his place in consequence of opinions which he had expressed upon the Irish people. When he heard this, he did not agree with it; but he had seen reason to agree with it since; for when he saw another noble Lord take up the villification of the Irish people, heaping on them insulting imputations, when he saw that man, who had never done an act good or bad, without a personal motive, when he saw that man take the same course, he could not but agree with the noble Lord. It was the putting things together, which had happened in the course of the late trials, that induced the people of Ireland to conclude

that there was no more hope for them. With the verdict returned against the traversers government, had obtained a triumph but still they were in a worse position than ever. The country, believing that the conviction was an unjust one, expected that there would be an insuperable difficulty in carrying on any after proceedings. If he were to attempt to state what it was possible might occur, such remarks might have a tendency to produce that which was dreaded. He should not, therefore, state it; but he entertained such strong opinions, that there was no consideration which would induce him at that moment to stand in the position of the right hon. Baronet opposite. The noble Lord (Lord Stanley) might not agree with him, for he knew the noble Lord's rash confidence, and he regretted that the first expression of the noble Lord's antagonism and violence were displayed in Ireland. He would tell the noble Lord also, that he believed, that the agitation for the Repeal of the Union in 1831 and 1832, never would have risen to the pitch which it reached, were it not for the intemperate language then used by the noble Lord. He well recollected the noble Lord's letter, published at that period—a letter which did more to exasperate the people than almost anything which occurred at the time. When he saw the noble Lord, now a Member of Government, knowing the number of strong animosities, which the noble Lord never hesitated to express—was not the spectacle enough to create the utmost feeling of alarm in his mind. As to the people in Britain, the worst they had to expect was the maintenance of a large army, to be supported, perhaps, by a doubled and prolonged income-tax. But what was to become of those who had property, and wives and families in Ireland? People, too, who had taken no part in the agitation, who deplored the course of events—what was their position? He did say—and he regretted that, if the right hon. Baronet felt it, the noble Lord near him did not feel it—that the right hon. Baronet held a position of deep and awful responsibility. It had been stated that the troops in Ireland had been reduced. He told the right hon. Baronet, that if he had done so, he ought to beware of what he did. He had had full notice; and if he was determined to govern by the sword, it must be by a long and a strong sword. He understood that there were no more than 23,000 soldiers in Ireland; but if the policy and intentions of Government were what that policy and these intentions were stated to be, instead of an army of 23,000 men, there must be one of 50,000 in Ireland.

Sir *James Graham* would strictly confine himself to an explanation. He understood, the hon. Gentleman to say, that he had announced the policy of Government to be that of retaining and occupying Ireland as part of the British dominions by military force, and by military force alone. It was in the recollection of the House, that he had stated distinctly, that in his opinion, the Protestant Church of Ireland must be maintained in all its rights, privileges, and property. He had stated, that it had been necessary, at a period so late, as, he thought, the commencement of March, 1843, to increase the military force in Ireland; but up to that period of March, 1843, from the time when Her Majesty's present Government had come into office in 1841, so far from an increase being made in the military force in Ireland, that force had been actually diminished. He had gone on to state, that attempts having been made to intimidate the Government, by demonstrations of physical force, it became necessary to augment the army; but he had also added, that he was convinced that it never could be the permanent policy of this country to hold possession of Ireland by military force, without any hold upon the affections of the people; and he had added, that he was convinced that the vindication of the powers of the law, coupled with steady impartial Government, neither leaning towards timidity on the one hand, nor intemperate counsels upon the other, would without the aid of military power, preserve to the Crown of this country that inestimable portion of Her Majesty's dominions.

Mr. *Shaw* should probably not have troubled the House during the debate, but certainly not at that period of it, had he not been pointedly referred to by the noble Lord whose motion it was, and his right hon. Friend the Secretary of State for the Home Department, in relation to the alleged omission of sixty names from the Dublin Jury lists. Moreover, as much misrepresentation had gone forth, and much real misapprehension prevailed on the subject, he hoped the House would excuse him for taking that opportunity—the first legiti-

mate one which he considered had presented itself—of explaining what never yet had been explained to the public, the real facts of the case and the manner in which they had occurred. The subject must be necessarily dry and uninteresting to the House, involving the provisions of the Act of Parliament regulating the formation of the Jurors' Book for the City of Dublin and some of the minute details by which it had to be carried into operation. But if the House would indulge him with a few moments' patient attention he would be as brief, and use terms as little technical, as would be consistent with the full and explicit explanation he desired to afford them. He would, in the first place, assure the noble Lord (Lord J. Russell) that when he (Mr. Shaw) ventured to correct the noble Lord in stating that he read from an affidavit, he did not mean to rely upon any difference of form between an affidavit and a statement, but substantially to deny the accuracy of the statement itself, which was made in a formal pleading and not sworn to, and was, that sixty names had been omitted from the special panel; it was nothing to the purpose to say that the Crown Counsel had by their demurrer admitted the statement. It was true that they had in fiction of law, and that on the argument of that demurrer, the fact must have been assumed, according to the averment in the pleading; but that could not affect the fact itself as it was in truth. Now, he would, in the first place, state what was the full amount of the real error that had been committed, and then, he hoped to satisfy the House, that the error had been perfectly accidental, without the slightest fraud or wilful suppression on the part of any person. First, then, it had been alleged that sixty or sixty-five names had been omitted, and that thirty-five were those of Roman Catholics; instead of which the fact was, that nineteen were omitted and five misplaced—making altogether twenty-four names, which were the entire number omitted—in transferring from a general list of between 4,000 and 5,000, 741 names which were to constitute the special panel, and which by that omission were reduced to 717. With the permission of the House, he would explain how the error had occurred having made a strict personal investigation of the matter; but, for that purpose, the House must bear with him while he gave them a short account of the process by which these lists were formed. It was under the 3rd and 4th William 4, c. 91. By that act, the parish collectors had to make out lists of persons liable to serve on Juries according to a form given by the act, and to deliver them to the clerk of the peace. The collectors complain, and he (Mr. Shaw) thought justly, that while the act requires them to make out lists, setting forth the full name, residence, rank, or business, and qualification of every man residing in their district, it did not give them any authority or means whereby to obtain the necessary information. The parties themselves were generally unwilling to be placed on the lists, and refused to give the information. The collectors, therefore, could seldom know more than their surnames and residence, consequently the lists from the passing of the act to the late occasion had been very incomplete. The Sessions Courts, and in Dublin, the Recorder's Court, before which, under the act, the lists came for revision, could not add nor alter a name unless upon the application of the parties, or that a regular notice had been served upon the parties, so that in Dublin, up to the last year, the sitting for the purpose was little more than a form; but then, from the great excitement prevailing in reference to the approaching State Trials, notices had been extensively served, and numerous applicants, attended by counsel and attornies, came up on both sides; so that the court was occupied from the 14th to the 24th of November, sitting nine hours a day, in hearing and adjudicating upon the applications made. The act directs that the original parish lists shall be corrected, allowed, and signed in court; that then the Court shall cause a general list to be made therefrom, arranged according to rank and property; and that the clerk of the peace shall copy that list, and deliver such copy to the sheriff as the jurors' book for the year. Now, in Dublin there were twenty parishes, and the original lists were therefore returned by twenty different collectors in their various handwritings, and though under one general form, not pursuing one system. They were, in some instances, not easy to decipher, even in their original form, but of course much more difficult when about 4,000 names having been returned by the parish collectors, 600 additional names were interlined and added by the re-

gistrar in court—the act requiring that to be done on the original papers. The great struggle was to have the names so entered as that ultimately they should be on the Special Jury list, and they were, as he had stated, to be arranged according to rank and property. With that view, he (Mr. Shaw) had classified the ranks under nine heads, which were principally suggested by the 24th section of the act relating to the special jury panel. Such as magistrates, grand jurors, ex-sheriffs, esquires, bankers, traders worth 5,000*l.*, and so forth, and these he had fully explained to the counsel and parties attending in court. The course of proceeding in court was, each applicant when allowed was entered by the registrar on the collector's list; and, if entitled to it, his qualification for the special panel was written under the column headed "Rank," and a cross placed opposite his name; otherwise he was entered for the common panel. When all that was done by the registrar, in pursuance of his orders, openly pronounced on each case in court, he (Mr. Shaw) signed each of the twenty collector's lists as directed by the act, and then he considered his judicial functions in the matter discharged, and in that view he found himself confirmed by the judgment of Judge Perrin pronounced on the demurrer. He had, however, the further duty, of a ministerial nature, to perform, of causing one general list to be made out from the collectors' several lists, arranged according to rank and property; for that purpose he directed the registrar who had made the entries to form the general list by placing at the head of it all persons adjudged to belong to the nine classes of rank, in their proper order, that to constitute the special list, and the remainder of the names then to follow in perfect alphabetical order, which latter would constitute the common list. The parish lists, when corrected, contained altogether between 4,000 and 5,000 names, and out of that number, those ordered to be placed on the special list, amounted to 741, from which, as he had commenced by stating, 24 names had been erroneously omitted. He now came to explain how that error had occurred; he necessarily did so from the statement made to him by the registrar; but he was bound to add, that, after the most rigid investigation, conducted by himself and the clerks of the peace, he was fully persuaded of the truth of that statement. His registrar stated, that he took the twenty parish lists separately, in order first to form the nine classes in each; that for that purpose he called out the marked names from each parish list, and had them taken down by his assistants on separate sheets of paper, ruled and in columns with printed headings in the form of the schedule to the act, and one of which he had then in his hand: twenty parishes and nine classes in each would give 180 sheets; these being transcribed and checked, the registrar thenceforward considered as the original special list; but upon his next step in process of classification, namely, throwing together the corresponding classes in each parish, so as to form nine general classes, one of the separate sheets containing the class of 5,000*l.* traders in the parish of Audoens became mixed with a parcel of ruled papers of exactly the same kind and appearance, which were blank, and lying for use, if required, on the Table, and it was put aside with them without being missed. Upon it were fifteen names. There were overlooked in copying from the 4,500 on the original list four names; and there were erroneously transferred to the common list, from the crosses having been omitted, and which ought to have been transferred to the special list five names, thus making the twenty-four he had stated. He had the sixty names mentioned in the challenge carefully compared with the original lists, and in the thirty-six of them remaining there was no error. He had the particulars of each in a paper then in his hand, but would not trouble the House with them, unless any Member opposite would mention any particular name, and then he (Mr. Shaw) would explain the reason why that name did not appear. Thirteen of the sixty were actually upon the special list, and, as an instance, he would mention one of the sixty names complained of as being omitted; it was that of William Saurin, Stephen's Green, the eminent man who had for so many years been the Attorney-general in Ireland, but who died several years ago; his name had by mistake been returned on the original list, and he (Mr. Shaw) knowing the fact, desired it, of course, to be struck off. His right hon. Friend (Sir J. Graham) had last night expressed his regret that there should have been any omission or error in these lists. He (Mr. Shaw) would not intrude upon the House the vexation and mortification

it had caused him. He had bestowed the utmost attention and anxiety to have them correct. He was aware that the business was new to the registrar and ordinary clerks in the Clerks of the Peace-office, and he had desired that neither labour nor expense should be spared in getting them the best assistance in the classification of the lists, and none had been spared; time pressed, considering the period the Sessions were held under the Act, and that fixed for the State Trials, and he knew that the clerks had sat up whole nights to expedite the work. The great object had been a perfect classification; and the possibility of some names being omitted had not been sufficiently borne in mind. However, the errors to the extent he had mentioned had occurred. The House would perhaps allow him to read a memorandum he had written for the guidance of the Clerks of the Peace, with a view to correct the error, the first moment he had heard from one of the sheriff's officers attending in his court that there were some names omitted, and wrong placed on the list.

"*Court-house, January* 1, 1844.

"It appears that in the hurry of making up the jurors' list, some names have been omitted from what has been termed the special panel, and left on the common panel, and that by some error in copying or unintentional omission, the names of Mr. Roe, late Lord Mayor, D.L., Mr. Hoyte, late Alderman, Justice of the Peace, Mr. Grant, late Sheriff, Mr. Reynolds, wholesale merchant, have been pointed out to me as being in the wrong part of the list. I think, under the 24th section of the Act, the sheriff might of his own authority have corrected them; but I understand he has been advised not to do so. I wish, therefore, to take upon myself the responsibility of transferring these names from the common to the special list in my original copy, and desiring you then to take them to the High Sheriff, and offer them as an amendment of the book you furnished to him, and at the same time inform the High Sheriff that if there are any other names similarly circumstanced, I am willing to do the same with them." F. S.

To the Clerks of the Peace.

Further, when the names were published in the newspapers, and the Registrar observed so many missing in St. Audoens parish, he suspected some list must have been mislaid. He made a search through the papers in his office, and found the mislaid paper. Upon that being communicated to him (Mr. Shaw), he at once said, as there had been an error, the only reparation that could be made, was to acknowledge it candidly, and quickly; and under his direction, the Clerk of the Peace lost no time in informing the Solicitors for the Crown and for traversers, that it had occurred. With regard to the proportion of Roman Catholics omitted, he had no certain means of knowing the fact; but his belief was, that in the mislaid list of fifteen names of traders in Audoens parish, judging from the class and locality, that the majority were Roman Catholics, and that of the remaining nine names omitted, the majority were Protestants. Certainly, the chances of the ballot for forty-eight names out of 717, could have been but very slightly affected by the error; and there he might observe, in reference to the postponement of the trials in connection with the jury lists referred to by his right hon. Friend (Sir J. Graham), that about 400 names out of 700, had been added in the whole to the special jury panel of 1843, that having consisted of not more than about 300 names. He might mention, too, as a circumstance in reference to the imputation on that head, that the gentleman who committed the mistake—his registrar—was himself a Roman Catholic. Had he believed that there was the slightest corruption or fraud, in the omission of the names, he trusted he need not say he would have exposed and punished the individual guilty of such conduct to the utmost of his power. He said—perhaps with a pride for the expression of which he ought to excuse himself to the House; that in the City of Dublin he did not believe there was a man of any class, creed, or politics, that would suspect him of being capable of permitting or countenancing the smallest act of fraud or partiality in the humblest subordinate connected with his court; but as he entirely acquitted his officer of any such motive, and he was satisfied that the error or negligence, be it which it might, had been perfectly unintentional on his part, then he (Mr. Shaw) would not shrink from himself incurring any responsibility or blame that might attach to it. Unconscious, as he was, of any personal neglect in the matter, he had had already to bear the vulgar abuse of Counsel in Dublin on the subject, and having now candidly stated all the facts, and circumstances of the case, must be content to submit to any party attacks on the subject by which that might be followed in that House. He was very sensible of the kindness of the House in having lis-

tened to him so long and patiently in a matter somewhat personal to himself; but, before he sat down, he must entreat their forbearance while he said a few words on the important motion under their consideration. He had heard with considerable satisfaction, both what had fallen from the noble Lord (Lord J. Russell) and from his right hon. Friend (Sir J. Graham), with respect to the Irish branch of the Established Church. The noble Lord, a skilful antagonist, appeared willing to wound, but not plainly to see where he could venture to strike the Irish Church; while his right hon. Friend (Sir J. Graham) rested his defence of that Establishment upon the broad ground of religious truth. [*Cheers and counter Cheers from Mr. Roebuck and other Members on the Opposition Benches.*] Yes; (said Mr. Shaw) I repeat of religious truth as held by this nation and Parliament from the Reformation to the present time—also upon the faith of the Imperial Parliament, and the great principle that the Protestant religion must be by law established in connexion with the State in every portion of the United Kingdom. He was certainly surprised at the noble Lord's morality of politics when he alluded to the fifth article of the Union, and intimated that there would be but little difficulty in annulling that, if the majority in number of the Irish people desired it. Surely the noble Lord did not forget, that all the Members of both Houses of the Irish Parliament, were of the Protestant religion; that they never would have consented to the Union, had it not been provided that the continuance and preservation for ever of the United Church of England and Ireland should be deemed and taken to be an essential and fundamental article and condition of the Union. The noble Lord had quoted what certainly was not new—what he (Mr. Shaw) had read in an article ascribed to a distinguished friend of the Archbishop of Dublin, but had never heard, as the acknowledged opinion of his Grace—that a congregational was better suited than a territorial provision for the Irish Church. In his opinion, a congregational division was the obvious characteristic of a sect, while a territorial was of the very essence of the Established Church. He would not then refer to the present revenue, or to the improved and improving condition of the Irish Establishment further than to express his readiness on all proper occasions to meet her opponents, boldly on those grounds; but now that every improvement that law could make, had been effected; that sinecures, pluralities, unions, and non-residence, had almost disappeared, and were daily disappearing; and that the Roman Catholic occupier had been relieved from Church Rates and Tithes, and every practical inconvenience,—he considered it unreasonable and ungenerous to make these continual attacks upon the Irish Church, and the noble Lord (Lord J. Russell) must allow him to add, calculated to inflame that hatred between races and animosity between religions which had been lamentably excited by recent circumstances, to which, for obvious reasons, he would at the present time abstain from more particular reference, but would rather say, which the good sense and good feeling of the more moderate of both parties were striving to allay. He entirely concurred in the sentiment expressed by the hon. Member for Waterford (Mr. Wyse), that what they wanted in Ireland was domestic peace. God knows it is what they wanted, and most devoutly did he desire that upon the altar of domestic peace they would sacrifice many of their prejudices; and above all, that Irishmen would lay down their ill-will to each other; it injured their national character in that House, and did them no individual credit. He really believed they did not think so badly of each other, after all, as many Englishmen in that House were led to suppose. For his own part, he thought that the prejudices of many Englishmen were much stronger against the Irish Roman Catholic than he (Mr. Shaw) had ever entertained, and sure he was, that no Irish Member had so strangely perverted notions of Irish Churchmen, and Irish landlords, as he had heard expressed by English Members of that House, who, in their outbursts of extreme liberality, seemed to think no words could be too harsh, no treatment too bad, no new code of penal laws too severe for the man who had the misfortune to be an Irishman by birth, a Protestant in religion, and a Conservative in politics. But, to be serious—if Irishmen were to have peace amongst themselves, they must not for ever be attempting to raise up and unsettle great questions that ought fairly to be considered as at rest. He spoke from his own experience when he said,

that he had always desired the civil equality of his Roman Catholic countrymen, and he lived with many of them on terms of friendship and intimacy; but then these relations could not fail to be disturbed if these questions were constantly debated as to the injury or destruction of the Protestant Church Establishment in Ireland, which he had been induced to believe was to have been strengthened by the concession of what was termed Catholic Emancipation. He had heard that night with sincere regret, the sentiments which had fallen from the hon. Member for Kildare (Mr. More O'Ferrall) upon the subject of the Established Church. He (Mr. O'Ferrall) had declared that,—not on account of any real practical grievance,—but from some abstract notion of honour, some "Vanity," as he (Mr. O'Ferrall) termed it —there never could be peace in Ireland so long as the Established Church continued to exist. If so, then indeed peace must be a stranger to that unhappy land; for while he (Mr. Shaw) had every desire for peace, and to live on terms of good will—aye! and practical equality too with all classes of Her Majesty's subjects—yet this he must say, and he was persuaded that he described the feelings of the great majority of the Protestants of Ireland when he expressed his own—that he would lay down his life before he would consent to the subversion or injury of the Established Church in that country. He would not delay the House by quoting the language of Grattan, of Canning, of Plunkett, and other distinguished advocates of that measure, who had one and all regarded the permanent security of the Established Church in Ireland as an indispensable condition to the passing of the Roman Catholic Relief Bill; for it had frequently been referred to in that House; but, he had taken a short but remarkable extract from the evidence of Mr. Blake, an eminent Roman Catholic, the late Chief Remembrancer of Ireland, which he had never heard read in the House, and which he would ask their permission then to read,—

"I consider," said Mr. Blake, in his evidence before the committee on the state of Ireland in 1835, "the Protestant establishment in Ireland a main link to the connection between Great Britain and Ireland. The Protestant Church of Ireland is rooted in the constitution; it is established by the fundamental laws of the realm, it is rendered, as far as the most solemn acts of the Legislature can render any institution, fundamental and perpetual; it is so declared by the Act of Union between Great Britain and Ireland. I think it could not now be disturbed without danger to the general securities we possess for liberty, property, and order, and without danger to all the blessings we derive from living under a lawful Government, and a free constitution."

Such was the strong, emphatic language of Mr. Blake. Let them further lay aside the trite and ungenerous attacks so common in that House upon honourable men, because, though differing from them in politics and religion, they had received the just rewards of professional eminence and high personal character, and abstain from wholesale and indiscriminate attacks upon Irish landlords and other bodies and classes of men for evils which, however much to be deplored, were not justly chargeable on them. Then all sides would they be in a better mind to obey the gracious injunctions recently laid upon them by their Sovereign, and apply their undivided attention and united energies to improve the social condition of their kind hearted and generous, but too long-neglected and easily-deluded countrymen, and to develop the great natural resources of their fertile and interesting, but still unhappy country. As to the motion of the noble Lord it was the mere party attack of one of the great divisions of that House upon the other, and as a matter of course, each would be found voting under their own leaders.

Viscount *Howick*: As this debate proceeds, it seems to me to become more and more clear that Gentlemen on both sides of the House are agreed, not only as to the danger of the present crisis in Ireland, but also in this, that no prospect has yet been held out to us by Her Majesty's Government of measures which it can even be pretended, afford us a rational hope of restoring that country to a state of security. Such, undoubtedly, is the conclusion we must come to from the debate, so far as it has yet gone. The dangerous condition of Ireland, has not been more forcibly described by Gentlemen on this side than by those on the other; the House will remember, that immediately before it was addressed by the right hon. and learned Gentleman who spoke last, the right hon. Secretary for the Home Department, rose for the purpose of explaining certain expressions attributed to him by my hon. Friend, the Member for Kildare,

It appeared to me, I confess that the right hon. Gentleman's explanation was longer and less clear than the words he was said to have used, but I do not perceive that in substance it materially differed from them. If I am not mistaken, the right hon. Gentleman's reply to my noble Friend (Lord J. Russell) who had said, "Ministers have military occupation of Ireland, but do not govern it;" was this, "Yes, we have military occupation of the country, but it was necessary to take it, when it became obvious that an attempt was about to be made to wrest Ireland from the Empire by physical force." Now, what is the real meaning of these words? You say you have military occupation of the country, because there were positive indications of an intention to use its physical force in resisting your Government, and you have acted on the assumption of such a state of things. What does this mean, but that you are conscious, that throughout the great body of the Irish people is spread a universal spirit of disaffection, and that they are retained in their allegiance not by a sense of duty, but of prudence, created by the force which you are able to maintain—that their hearts are alienated from you, and that your power rests, not upon affection, but upon military force? Sir, this is the real meaning of what the right hon. Gentleman stated—this is the real meaning of the measures which Her Majesty's Government have taken. The right hon. Gentleman seems to admit that this state of things cannot be permanently continued. He has told you, that you cannot always govern by force; it may do for a short interval that such a state of things should be endured, but as a permanent instrument for the Government of Ireland, force is utterly indefensible. This I understand to be admitted; but, having this admission, when my right hon. Friend, the Member for Devonport, quoted so remarkable a declaration, and proceeded to ask, what means then do you propose to use for recovering the affections of the Irish people, what rational prospect can you hold out of getting rid of the spirit of disaffection?—when he asked this question, what answer did he receive from my noble Friend, the Secretary for Ireland? I can assure my noble Friend, that I felt for him, but really it is lamentable that when asked a question of such momentous importance, holding, as he does a situation of the first rank connected with the Government of Ireland, he should only be able to go into miserable details in defence of the distribution of his patronage, and attempts to prove how kind and good have been his intentions towards the people, when this is all, he has to say on the part of the Government, and when, at the same time, I know his intentions to be as kind as he states, I must think the case a most serious one indeed. Have Her Majesty's Government, themselves, seriously reflected on the import of the words they use? Have they reflected how much they risk from the existence of such general disaffection, do they think this is a case in which they can afford to wait for a more convenient season to bring forward remedial measures, and in which every hour's delay is not fraught with the utmost danger? It is perfectly true, that while peace lasts, there is no probability open resistance will be tried, and if it were, it is as certain, that it would be instantly suppressed. While peace lasts it is true, that the only consequence of this state of things will be, that all improvements will be arrested, every relation of life will be poisoned, that the whole country will be filled with strife and ill blood, and men's passions roused against each other, and, in short, a state of society produced intolerable to all who are forced to live in it. This, while peace continues, may be the utmost extent of the evil, and God knows, it is bad enough. But, let me ask you, have you considered what the result would be if a foreign war should break out? What would your situation be, if again called upon to take part in a mortal struggle for your existence against a Foreign Power, while nearly a third of the whole population of the Empire, is ready to take part, not with you, but against you—while this large proportion of the people of the United Kingdom is ready not to assist, but to oppose you with the deadly hate which springs from civil dissensions? Have you really considered how fearful is such a danger? Peace now happily prevails but who can tell how long it may continue? Do you not see that to other countries the knowledge that you have the sources of internal weakness within you is a constant temptation to brave your power? Is it not justly to be feared that the state of Ireland in every petty misunderstanding with other countries, may encourage demands which would not otherwise be hazarded, and induce them to ask for that which it is inconsistent with our honour and interest to

grant? By allowing this state of things to continue, you at once risk the maintenance of peace, and, deprive yourself of the power of carrying on war with advantage. I may be told that these are things which ought not to be publicly mentioned, and that the secret of the country's danger ought hardly to be whispered, much less spoken of, in this House. Sir, if I could believe that by abstaining from speaking of it we could get rid of the danger, if I were not fully satisfied that however we may some of us delude ourselves as to the true state of things it is perfectly well understood by those whom alone it would be of advantage to keep in ignorance; if I did not believe that to open the eyes of the country to the critical situation in which it stands, is the first step towards carrying those measures which the state of Ireland requires. If this had not been my firm conviction, I certainly should not have spoken of these things;—but as it is, I conceive, I should have failed in my duty had I shrunk from pointing out to Parliament and to the country the dangers which threaten us. And here I cannot avoid repeating an observation which has been made over and over again in this House, that it is not merely the existence of agitation in Ireland, which is the source of danger; it is not the fact that very violent language has been used at public meetings, that large numbers have attended those meetings, that the people have been organised in Repeal Associations, and that a large amount of Repeal rent had been collected—none of these things are in themselves the danger—they are only the signs and symptoms of that disaffection in which it really consists. It is the state of mind which prevails amongst the people, and of which all this agitation is but the outward sign, that constitutes the real danger. But if so, does it not follow, as a necessary inference, that by repressing the outward signs of this discontent, we should do no good unless we also remove the causes from which it springs? Nay more, it might happen, that we might thus really increase the danger both by blinding ourselves to the fact of its continuance, and by exasperating the bitterness of the people's feelings by the means taken to prevent their manifestation. In judging therefore of the policy of Her Majesty's Ministers, I must consider whether it has been calculated to regain the affections of the people of Ireland, or merely to put down open resistance to your authority in that country. I am far from denying that it is necessary to maintain obedience to the law, and to prevent the authority of the Imperial Parliament from being slighted; but I contend that the measures to be adopted for that purpose should be considered with the greatest care, and should be of the most prudent, calm, and dignified character; and that to produce any permanent benefit they must be joined with others of a different kind. But far from this being the case, when I examine the conduct of Her Majesty's Ministers, I find, that whatever degree of vigour they have displayed, has been confined entirely to measures for suppressing the signs and symptoms of discontent—that even in the measures that they have adopted for this purpose, there has been a singular lack of wisdom, prudence, or firmness; while of measures having the higher aim of regaining the affections of the Irish people, the promise held out to us falls infinitely short of what we had a right to expect, and of what the exigency of the case demands. In the last Session, on the occasion of the motion of the hon. Member for Limerick, those who sit on this side of the House, stated very fully their views as to the measures which the state of Ireland required. Amongst others, I expressed my own opinion on this most important subject, and I fear that I troubled the House in doing so more at length than I ought; perhaps I went beyond the line of my duty as an independent Member of this House, holding no official situation, and able to boast of no personal knowledge of Ireland. But such was then, the dangerous state of things, that I thought it was the duty of all Members who had so strong an opinion as I entertained of the necessity of particular measures, to state the ground of their convictions, for the consideration of the House, and of Her Majesty's Government. In reply, however, to what was urged, and to the various suggestions which were made, by myself and others, Her Majesty's Government confined themselves merely to making objections to what was proposed. They suggested nothing whatever of their own; and so striking was this omission on their part, that at the time my noble Friend the Member for the City of London said, that Her Majesty's Ministers seemed to have changed places on the subject with the Gentlemen opposed to them—that a stranger coming into the House and listening to the speeches which were made, would have been led to suppose that those who sit on this side had been entrusted by

Her Majesty with the high duty of recommending to Parliament, a scheme of policy devised for the purpose of tranquillizing the discontent and improving the condition of Ireland; while upon the right hon. Gentleman devolved the humbler and easier task of criticising, or rather, carping at, what was so proposed. Her Majesty's Government had nothing at the time to recommend; they have since taken the whole period of the recess to consider what measures they should propose in the present Session to meet the manifest evils of Ireland, and what I ask is the result. The right hon. Baronet the Secretary for the Home Department has stated the nature of the propositions that are likely to emanate from the Government; and they seem to me to be a "most beggarly account of empty boxes." The right hon. Gentleman told us that, before Easter, we should have a Registration Bill presented to us, by which the number of county voters will be increased, and by which also some of the vexatious formalities which now impede the registration of voters for the boroughs would be removed. He also informed us that a Commission had been issued to inquire into the law and practice with respect to the occupation of land in Ireland; and this was all, of the slightest importance, which the right hon. Gentleman said that he was prepared to propose, while such an important portion of the country is in a situation of so much danger, and while the physical force of Ireland is, as he himself tells us, arrayed against the Imperial Government. Must it not be a matter of surprise to every one, that, in such a state of things, this should be all that the Secretary of State for the Home Department can suggest to a British House of Commons, that a Minister should come forward with so poor and meagre a plan in such an emergency. Now, with respect to the Bill for Registration, such a bill is greatly needed. If you bring forward a measure for the extension of the County Franchise in Ireland, framed as I trust it will be in a large and liberal spirit,—if as I hope it should turn out not to be a new insult concealed under the disguise of a boon, but a really large and liberal measure, it will remove a crying wrong, and will be felt I have no doubt as an act of justice; but still if it be not coupled with other measures, it will only put new arms into the hands of the Irish, to enforce the redress of still greater grievances. With respect to the Commission to inquire into the relations of landlord and tenant, I trust that it will prove of advantage; but I must confess that I entertain no little doubt on the subject. It is perfectly true that the social condition of Ireland is in this respect greatly defective; the relations of landlord and tenant in that country are far from being on a satisfactory footing. Improvement on these points is most urgently called for, and probably the aid of legislation is required. But the question is, whether Her Majesty's Ministers have adopted the means most likely to prove successful to bring about the end so much desired, of improving the state of Ireland, with reference to the occupation of land; and I, for one, cannot help feeling some apprehension that—by the mode they have adopted—by proceeding to inquire through the means of this Commission, they are exciting vague expectations, which they will find it most difficult to fulfil, and dangerous to disappoint. A smaller measure of improvement at the present moment might have done more to give contentment to the Irish people on this exciting subject, than larger measures after their expectations have been highly raised. I do not think that this is an unreasonable apprehension, nor do I quite understand why the Government might not have proceeded at once to legislate on this subject. It appears to me that if immediately on the close of the last Session of Parliament, without the parade of issuing a formal Commission of Inquiry, Her Majesty's Ministers had availed themselves of the means within their reach, it would not have been impossible for them to have been now prepared to do whatever can be accomplished by legislation on this subject. They had it in their power to command the assistance of the persons most eminent for their legal talents both in England and Ireland; and of those best acquainted with the rural affairs of both countries; and with such aid, surely it would not have been impracticable in four or five months to have ascertained of what improvement the law was susceptible, so as to have been prepared to bring forward measures immediately on the meeting of Parliament, for effecting all that can be done by legislation. I cannot help believing that this would have been a better mode of proceeding. At the same time, I am far from venturing absolutely to condemn the appointment of this Commission; the difficulties of the subject may have been far greater than I am aware of, it may have been, unfortunately, necessary

to resort to the means of proceeding which have been adopted in a question of so much difficulty; but if so, the conclusion which I draw from this is, that if all we can do towards remedying the physical distress which presses so heavily on the Irish people, is to hold out to them so distant a prospect of improvement as is afforded by this Commission, it is the more necessary to soothe their minds by measures of another character, which might have been immediately brought forward. The more I consider the actual condition of Ireland, the more reason I find for coming to the conclusion, that the discontent which prevails there, cannot be traced merely to the pressure of distress. No doubt the grinding poverty under which the Irish people are suffering—no doubt the constant struggle which so many of them are forced to maintain, in order to procure even a scanty and miserable subsistence, must enter much into the causes of the discontent that prevails; but I am persuaded that this feeling has been greatly increased, and owes its actual bitterness to the sense of injustice and wrong which rankles in their minds. Hence, even, if Her Majesty's Ministers had been prepared to deal with the physical wretchedness of Ireland in a more comprehensive manner—if they had been prepared at once to submit to us a well-considered law with respect to landlords and tenants—if they had been prepared to adopt a system of public works in Ireland on an extensive scale and to bring forward a large measure of colonisation—if they had been prepared to do all these things—still I should have contended that all these measures could not have been expected to produce the effect desired; and to have the healing influence they ought unless accompanied by other measures calculated to remove from the minds of the Irish that galling sense of injury and injustice which now prevails in part from other circumstances, but chiefly on account of the wrong they feel to be done to the religion they profess. If you do not bring forward some plan to remove this sense of wrong, all other measures which you may adopt will I am persuaded, prove fruitless. Is it possible that they should fail to feel most bitterly the manner in which the Government of this country has dealt with the religion in which the great body of the people believe? Is it not natural that they should be keenly alive to the insult which you have offered to them, in your treatment of that ancient faith, to which they are so much attached? Can you believe that you will ever remove from their minds the feeling of being treated with injustice while so much disfavour is shown to the Catholic religion. The right hon. Gentleman the Member for the University of Dublin has indeed said, to-night, that since the Catholic Emancipation Bill has been carried, religious equality has been completely established in Ireland. Such, no doubt, is the opinion of the right hon. Gentleman, but it is one in which I can by no means concur; and I only ask the House to consider what are the facts of the case? Let it be recollected, that the Roman Catholic Church was the national Church of Ireland, and that some three centuries ago the large endowment which it held was by acts of the Legislature taken from it and given to the Protestant Church, the Protestants forming but a small portion of the population, while the great mass of the population adhered to their ancient faith. Further, the great body of the people from whom this endowment has been wrested, are probably the poorest population in Europe, whilst the small minority to whose exclusive benefit the Church revenues thus violently taken from the majority have been applied, consist chiefly of the wealthier classes. Nor is this all; yet further to add insult to injury, you give to the Presbyterians, who, according to law, are, in Ireland, as much Dissenters as the Catholics, a share of the bounty of the State, and the only part of the population, which so far as the Government is concerned, is left utterly unprovided with any means of spiritual instruction, is that which constitutes at once the great mass of the population, and the class which stands most in need of pecuniary assistance. Can you deny that this is a plain unvarnished statement of facts, and then I ask you, is this justice? Do you think, that to such a state of things, the people of Ireland can be reconciled by such arguments as we have heard addressed to the House to-night by the right hon. and learned Gentleman opposite? For, Sir, you should remember that it is in vain that your reasoning may be perfectly conclusive in your own opinion, unless you can convince the Irish people of the justice of your law. You may set forth your reasons as clearly as any logician from the first university in the world, your arguments may be framed with the greatest care, your syllogisms faultless, and in your opinion the whole of your deductions may be irrefragable, but if you do

not convince the Irish people of their truth your reasoning is worth nothing, and you are as far from your object as ever. The question is not whether your argument be good or not, but whether it is likely to have so much weight with the people of Ireland as to render them contented with the state of things to which they are required to submit. Keeping this in view without now going into the question at length, I will just glance at one or two of the arguments which have been urged in support of the State Church in Ireland, and ask the House what favour they are calculated to obtain with the Irish people. The right hon. and learned Gentleman said, that the maintenance of the Church Establishment in Ireland in its present shape and form, was one of the stipulations of the Act of Union, which we had no right to break, and he found great fault with my noble Friend for having said, that the fifth article of the Act of Union might be expunged. The right hon. Gentleman observed, that the Parliament of Ireland which agreed to the Union, was exclusively Protestant, and never could have been induced to agree to that measure otherwise than by the adoption of this article. Why this argument is the very strongest that could have been urged in refutation of the position which the right hon. Gentleman has taken. Was this purely Protestant Parliament—and most assuredly it was pure in no other sense, for it is notorious that it was the most corrupt legislative assembly that ever existed; can it be said that this corrupt Parliament which cannot even be pretended, to have represented the Irish people, for I believe that the right hon. Gentleman himself would say, that to regard that assembly as a true representation of the Irish people, would be a farce—was it to be borne that such a Parliament should be considered as having authority to tie up the powers of legislation in the Imperial Parliament to all posterity, and that out of respect to this authority we were bound to the maintenance of an Establishment which shocks every principle of natural justice? Why, Sir, the right hon. Gentleman would supply a powerful argument to the hon. and learned Member for Cork in favour of the Repeal of the Union if he could prove that by no other means the abatement of so great a grievance could be obtained; but if he thinks he can reconcile the Irish people to the maintenance of the Church in its present form, on such grounds as these, the right hon. Gentleman must have the simplicity of a child. What then are the claims of the Irish people upon the great principles of justice? Why, Sir, it has been the opinion of some of the brightest ornaments of the Church of England, that the only ground on which the existence of a national establishment can securely rest, is that of the benefit it confers upon the great body of the people, as the means of imparting to them religious instruction. The most able divines this country has produced, have repeatedly rested their defence of the Church Establisment on this ground, and have admitted, that to be useful, it must be in conformity with the religion of the great body of the people. This principle is not disputed even by the Secretary of State for the Home Department, but when he is asked to apply it to Ireland, his argument is this—"Very true," says the right hon. Gentleman, "the Established Church in Ireland, taking it by itself, may not be the Church of the majority, but then you must recollect the union between the two countries, it is the United Church of England and of Ireland, with which you have to deal, and its religion is the religion of the majority of the inhabitants of the two countries." This certainly may be very satisfactory reasoning to the right hon. Baronet, but will it weigh with the Irish people? Do you think that they do not see through such shallow sophistry? How, let me ask you, was this argument listened to when it was a question of imposing Episcopacy upon the people of Scotland? If I am not mistaken, some years ago, the right hon. Gentleman himself in one of those highly polished elaborately ornamented passages, and which he is in the habit of introducing into his speeches, while passing on the people of Scotland, a warmer and well merited encomium put forward, as one of their claims to the admiration of the world, the manner in which they resisted the establishment of the Episcopacy in Scotland. If my memory does not greatly deceive me the right hon. Baronet said something of the people of Scotland, in their laudable attempts to resist an infringement of their rights of conscience, having resorted to their mountains, and trusting to their good claymores. I think I remember to have heard something of this kind from the right hon. Baronet; and does he suppose that the ears of the Irish people are less acute or their memories less retentive of such language,

and that they cannot see how well it applies to their own case? Does the right hon. Baronet think he is likely to convince them that the right he so strongly asserted for the people of Scotland, is not equally a right for the people of Ireland? Therefore, I say, that as an argument for the maintenance of the Establishment, it is utterly ridiculous, to tell the Irish in the expectation that it will gratify them that the Church ought to be supported, because its adherents though a small minority in Ireland alone, are a majority of Ireland and England together. This argument like that of the right hon. Recorder, might well be quoted by the hon. and learned Member for Cork, as an argument for Repeal; but, being contrary to natural justice, can have no weight with the Irish. For it is contrary to the commonest notions of natural justice and to the first principles of Government, that you should thus sacrifice the interests of the great majority to those of a small fraction of the people.—But still you would greatly underrate the strength of the feeling of the Irish against this injustice, if you were to suppose that it was only the simple and naked injustice of having taken away an endowment which once belonged to the Church of the people in order to give it to the Church of a small and favoured class, which dwelt upon their minds. No; it is something far more than this. They might perhaps have been induced to acquiesce in the continuance of the Established Church, if you had not made its preservation and its safety a reason or a pretence for inflicting on them the most cruel injuries. Was it not for the sake of the Established Church, that you enacted and maintained those cruel and revolting penal laws, which are a disgrace to a civilized nation, and the blackest page of English history? Do you think that it is forgotten that you resisted to the very last moment the admission of Roman Catholics to civil rights and to seats in Parliament, because, as you alleged, your wanting it would shake the foundations of the Established Church? Oh! how miserably shortsighted was the right hon. Baronet, when year after year he used to rest his objections to Catholic Emancipation on the difficulty of granting it with safety to the Established Church in Ireland! Was it not certain (as experience has since proved) that the time must arrive when it would be impossible to maintain any longer this system of political exclusion, that at length the Irish people must recover their political rights, and would enter upon the exercise of their new power with the strongest feelings of hostility against that Establishment, which had been the alleged reason for their long exclusion? But the injustice complained of did not cease even in 1829; after the passing of the Catholic Emancipation Bill you still continued, because you feared for the safety of the Church Establishment, to mark in the most offensive manner your distrust of the whole Catholic body, and distrust proverbially begets the disaffection of which it assumes the existence.—To the latest times you have acted in the same manner, and when you unwillingly reformed the Municipal Corporations of Ireland, you refused to grant to that country the same franchise you had created in England, and avowedly made the safety of the Established Church the reason for this insulting difference. It is all these things, not the mere injustice of maintaining a sinecure Church, which have created so strong a feeling of hostility to the Establishment. Do you believe that for three centuries wrong after wrong, can have been heaped on the people of Ireland, that battle after battle can have been fought in resisting their acquisition of civil rights, and that the maintenance of the Established Church can have been always put forward as the reason for your injustice;—do you believe that three centuries of such wrongs and such struggles can have passed by, and not produced their necessary effects on the minds of the Irish people? Let us judge of the Irish people by ourselves—just ask the people of England how they would feel if they were placed in the situation of the people of Ireland, with reference to the Church Establishment. Just suppose for a moment that Ireland were the larger country, and had conquered England, that a united Parliament now sat in Dublin, and that we went before that Parliament and applied for the restoration of a large endowment which had been taken from a Protestant Establishment and transferred to the Catholic Church—suppose that such an appeal were made, and resisted by such arguments as those brought forward by the right hon. Gentleman opposite, should we, by any such mode of reasoning as we have heard, be induced to consent to the continuance of a Catholic established Church amongst us? Would the right hon. Baronet himself consent to it? Can he lay his hand on his heart and say, that he would? I much doubt whether, under such a state of

things, he would be even as patient as the Irish Repealers, and whether he would not follow the example of the people of Scotland, whose conduct he so much admires, and take to his mountains and trust to his broad claymore. I can only say for myself that I would not submit to so galling and degrading yoke. I would endeavour to obtain redress by every peaceful means, but no effort I could make, no sacrifice that could be required from me, would seem too great to get rid of a yoke so very galling and degrading. If such would be our feelings, is it not reasonable to suppose that such must also be the feelings of the great body of the Irish people; and can you expect to regain their affections if you do not do justice to them in this most important matter? But, says the right hon. and learned Gentleman (Mr. Shaw), we take our stand for the defence of the Church Establishment of Ireland "on the broad ground of religious truth." Now, if there is any one thing calculated to make the existence of the Established Church more offensive than another—if any one reason that you could put forth could be more galling and insulting than another—it is this assumption that you alone are in possession of religious truth. This is as much as to say that the Catholics are altogether wrong, and that you alone are right. This is an opinion and a principle which no Legislator who wishes to promote tranquillity should ever put forward. You have admitted the Catholics to Parliament, and you tell them that they have equal rights and privileges with their Protestant fellow-subjects, you admit that they should stand on a par with yourselves, and yet, in legislating for Ireland, you tell them that they must submit to the continuance of the Established Church on the ground of its being the sole possessor of religious truth. That is, for it comes to this, you ask them to act on the assumption that the religion which they profess, and to which they are so strongly attached, is false and idolatrous. I am strongly attached to the Protestant Church, in the main points of difference between the Church of Rome and the Protestant Church, I am thoroughly convinced that the Church of Rome is in error, and nothing I think could induce me to abandon that opinion. But while I firmly maintain my own opinion, may I not with perfect consistency acknowledge that the Roman Catholic has precisely the same right to his, and admit that he is as conscientious in the faith which he maintains as I am in my own. Neither party has a right to assume that the other is in error; and therefore, I say, if you insist on legislating upon the assumption that religious truth is on our side, you adopt a principle which cannot be maintained by the Government against the Catholics of Ireland, if you wish to promote and maintain the peace of the Empire. On this same principle, if the Catholics were the majority, they might claim to legislate for us, on the assumption that we are in error; and if they did, I need hardly say that they would not be entitled to expect peace. The majority I contend, is guilty of injustice, if it legislates for the minority on the ground of the truth of their own faith; and the Catholic has the same right to maintain his opinion as I have to adhere to mine. Who gave me the right to judge in points of religion, or as to which party is really in possession of the truth, between my Catholic fellow-countrymen and myself? What right have I to assume that the Catholic faith is false, when I recollect that it is still held by more than half the Christian world? Has not the Catholic, as well as the Protestant Religion, produced its enlightened and learned Divines, its missionaries, and its martyrs, who, by the exemplary piety of their lives, by the privations and sufferings which they have voluntarily suffered in order to promote the welfare of man and the glory of God, who, by the constancy and the courage with which they have met tortures, and even death itself, have given undeniable proofs of the sincerity of their belief? And can a British House of Commons listen without disgust to a proposal to legislate on the assumption that a faith so held and so honoured is false and idolatrous? No, Sir; I say you must do full justice to the people of Ireland. The time was, perhaps, when what is now demanded might have been withheld. If you had earlier granted Catholic Emancipation—if, after you had granted Emancipation, you had shown a large and liberal confidence in the great body of the Irish people—if you had not kept up to this very hour a system of manifesting distrust and dislike to that body—if, some years ago, you had consented to the Appropriation Clause, it is possible that you might have escaped the necessity which now presses upon you of making an entire change in your policy as to the maintenance of the Church Establishment in Ireland. Yes, I say now, as when we withdrew the Appropriation

Clause—for Gentlemen will do me the justice to acknowledge, that I never concealed my opinion, or denied that that measure was far short of what, on principle, I should have been prepared to grant; and that it was only because it was a compromise, which I believed would then be accepted that I ventured to recommend it—but when I found, from the time which you suffered to elapse, that the proposition ceased to have the value which originally belonged to it, I consented to withdraw it. I warned you, at the time that you left open this larger question, which could not fail very soon to be brought before you for your decision. This is no new opinion of mine as to the right of the Catholics to insist on a different application of the property of the Irish Church. It is one which I have held since I first thought upon politics, and which I have never ceased to entertain and openly to profess. If you had earlier consented to a compromise; no doubt the Catholic people of Ireland would have agreed to it; but you would not do this, you stood upon your Acts of Parliament, you maintained your extreme rights, and, backed by the prejudices of the English people, you were enabled to do so with success. As you would yield nothing then, so I am persuaded the Irish people will yield nothing now. The time for compromise, is in my opinion, gone by. You must deal full and equal justice to the people of Ireland. I am prepared to find little sympathy with me in the House, and still less in the country, in the sentiments which I am about to express, but believing it to be necessary that the truth should be told, I mean to tell the whole truth, and to tell it unreservedly. I say then you must do full justice to the people of Ireland, in this matter of the property of the Church, and I ask how is that to be accomplished? Various modes may be proposed. In the first place, you may say—and certainly, if he were prepared to act consistently on the principles he has laid down, it is what the right hon. Baronet the Secretary of State for the Home Department ought to propose—you may say that you will proceed towards Ireland on the same principle as that which you adopt towards England and Scotland; and that, as the Protestant Episcopal faith is held by a majority of the English people, and is therefore established by the law in this country, and as the Presbyterian religion is held by a majority of Scotchmen, and is therefore established by law in Scotland, so Catholicism being the faith of a very great majority of the people of Ireland, it shall be the religion there established, and the endowment which three centuries ago was torn from that Church, shall be restored it. This is one of the modes which might be proposed, while, of course, you would provide for the interests of the existing incumbents. Another mode of dealing with the subject, would be to say that the difficulties surrounding it are so great, that you will have no Establishment whatever, but will take the whole of the Church property and apply it in furtherance of general Education. That is the second mode. The third is to make provision for the spiritual wants of all classes of the people, in proportion to their respective wants. Any one of these modes would carry out the principle for which I contend. I am perfectly aware that every one of them is open to great objections, and would be met with great difficulties, and I am not now going to consider—I could not do so without unwarrantably trespassing upon the time of the House—whether one or any of them is the plan that ought to be adopted. This, I think, is not the proper time for such an inquiry; but I say, if you desire to produce peace in Ireland, and to regain the affections of a numerous, brave, and generous people—if that be your object, you must manfully resolve to look at the question in its real bearings, and deal with them as the great principles of justice require, remembering that out of a population falling short of 8,000,000, nearly 6,500,000 are Catholics. You must deal with them on the principle of extending to the Catholics every advantage in a similar degree to that in which it is enjoyed by the professors of other religions. They are to be dealt with on the same principles which in their situation you would expect to have applied to yourselves. I believe, greatly as Catholics and Protestants differ on many points, we all agree that it is one of the fundamental laws of the Divine Founder of our common faith that we should do to others as we would have others do to us; and all I ask of you is, to apply that great and eternal principle of Christian justice. No doubt you will have great difficulties to encounter. You will have a host of long-cherished prejudices on the part of the people of this country to contend with; but I tell you, it is your duty to face them. You must do so, unless you are prepared to allow the danger which now prevails in Ireland to continue. The right hon. Baronet

(Sir J. Graham) told us the other night, and told us truly that this Church question is at the bottom of all our differences of opinion with respect to Ireland. It is at the bottom of all our differences of opinion, and of all your difficulties in carrying on the Government of Ireland. Are you not aware that while this Church question continues unsettled, you never can rely upon or trust the Catholics, that they will be always looking to overturn the settlement you contend for—that at all events you will always suspect them of entertaining such a design, and that this suspicion on your part founded or unfounded, will destroy all cordiality between you and them? The right hon. and learned Gentleman has told us to-night, that we are never to look for peace while those questions were kept open which the Irish Protestants have a right to consider settled. I tell you that the Irish Protestants have no right to consider these questions settled, and practically they never can be settled but in the one manner; for no persuasion, and no power, while human nature is unaltered, will induce the Catholics to remain content with such a state of things. But the fact that you know, and that the Catholics understand that you cannot trust them, nor they you, this fact is at the bottom of all your difficulties; it meets you at every turn; it meets you for instance in this question of the jury at the late trials which has been so much discussed. The right hon. Baronet and my noble Friend the Secretary for Ireland have made out—in this I am bound to say that I agree with my right hon. Friend the Member for Devonport—a fair case for the exclusion of Catholics from the jury; but what is the inference from that fact? It proves that the indictment was not, as my right hon. Friend said last night, against Mr. O'Connell, but against the Irish people. We all remember that celebrated passage of Mr. Burke's, in his speech upon America, in which he said, he thought it "narrow and pedantic to apply the ordinary rules of criminal jurisprudence to a great public contest;" and he added, "I know not the method of drawing up an indictment against a whole people." Her Majesty's Government are cleverer than Mr. Burke. They have solved the problem of drawing an indictment against a whole people, and I wish them joy of the results. I was reminded by an hon. and learned Friend of mine the other day, that it is a fundamental principle of the institution of the jury, that you are to have an impartial jury, and that so much stress is laid upon this principle by the law, that a foreigner, if put upon his trial, has a right to claim that one-half of the jury shall be foreigners. I want to know, then, whether you had the power to apply this principle in Ireland to the late trials? Was there less reason to impute prejudice to the men to whom you left it to find a verdict against Mr. O'Connell and his friends, than there would be in a cause of common theft in London to impute partiality to a London jury against a foreigner, and yet that foreigner, would have a right to claim that one-half of the jury should be his countrymen. And yet Mr. O'Connell and his friends, knowing that there was a stronger prejudice on the part of those who were to try them, than could be supposed in the other case, had no such privilege. I do not blame you for not leaving Repealers on the jury; but if you could neither leave Repealers on it without a certainty of an acquittal, nor leave those whom you did leave upon it without at least creating an opinion in Ireland of the certainty of a conviction, that fact shows, that this is one of those great public contests to which Mr. Burke says, it is narrow and pedantic to apply the ordinary rules of criminal jurisprudence. It is a fact which you cannot deny, that the whole body of the Irish Catholics, and that large proportion of the Protestants who wish for justice to their Catholic countrymen—that this immense preponderance of the nation is united in opposition to you in consequence of your keeping this Church question open. Do you not perceive that if this question were settled, and that in the only way in which it can be settled—let the right hon. and learned Gentleman dismiss the hope that it can ever be settled otherwise—(at the time of the debates on Catholic Emancipation) in the same way I remember we were told, "Hold your tongue for ten years, and we will then come back to it, and we can settle it with wonderful comfort and wonderful ease;" (and the right hon. Recorder's present notion is quite as visionary)—but if this question were once settled, in the only manner it can be, the Catholics would differ in opinion upon questions of public policy, as the various parties in this country are divided. At this very moment, if it were not for the difference respecting Ireland, the remaining points of difference between the Gentlemen opposite and the majority of those around me would be nearly confined to questions of trade

and finance; and I cannot help thinking that if this Church question were settled, it is quite possible that the right hon. Baronet opposite might have as many recruits in Ireland in favour of the sliding-scale and agricultural protection, as we should in favour of free-trade; but as long as this question is kept open, every minor difference will be merged in all the absorbing difference, and all who are anxious for justice will be banded against a Government by which their views are resisted. The consequence is, that when by the action of public opinion, power is placed in the hands of those who side with the minority in Ireland, and they have the Executive Government in their hands, you are called upon to deal with this contradiction, you must administer the forms of a free Government against the consent of nine-tenths of the people. The whole machinery of free institutions is to give force and effect to the deliberate opinions of the whole people. The jury—the franchise—the whole machinery is constructed on no other principle; and when you have to administer the Government against the will of the people, you undertake a task beyond the power of man successfully to accomplish. Thus the institution of the jury fails, and the Elective Franchise is a source of evil in Ireland. In every social relation, even in the landlord and tenant question, the Church division is a source of grievance, bitterness, and disputes. The right hon. and learned Gentleman (Mr. Shaw) complained of the unjust manner in which the landlords of Ireland are treated. I do not deny upon this subject there has been much exaggeration, but still I think he must admit, that in Ireland there is much of what we in England should consider unjust and oppressive on the part of landlords to tenants, and also of resistance to what is just on the part of tenants; but from what does this arise? It is from all parties being engaged in a practical struggle about the Church question, because it is this question which really divides the whole nation into opposing parties, in which the landlords as a class take one side and their tenants the other. These acts of oppression cannot be prevented by a change of the law. They are generally accomplished by abuse of those powers which it is necessary the landlords should possess, and which they do possess in England without such results being produced; and therefore, whatever improvement you may make in the law as to the occupation of land, if you leave this Church question open, you do not get rid of the irritation. Then, Sir, I come back to the principle that you must do justice to the people of Ireland in the matter of the Church establishment, or you must be prepared to see no termination of the existing danger in that country. Its present state will continue as a chronic disease, eating into the very vitals of the country. There is no middle course. Your efforts to establish your power on the consent and affections of the people, cannot be effectual, unless you are ready to do what they hold to be justice, and there remains only the alternative of governing by force. If you could put an end to the forms of freedom—if you could abolish juries, and annihilate the Franchise — if you could govern Ireland as a great Crown colony, by Order in Council, I could conceive the possibility of going on. But, no—I am mistaken—you must go still further; you must abolish your free press, and prevent all discussion. If you could do this and could govern as Austria does in her Italian provinces, it might be possible to reduce Ireland to a state of quiet — there being nothing to excite the mental energies of the people they might fall into a state of apathy, and the phisical evils of the country might be conquered. This is conceivable, but thank God! you have not the power of trying so hateful an experiment. You cannot abolish the forms of freedom in Ireland, and the only choice left to you is, that having the forms of freedom, you should govern in a spirit of freedom, or let things remain as they are, or rather be prepared for their becoming worse and worse every day, because the poison is so subtle that it corrupts even what is in itself good. Extended education will but make the people of Ireland more sensible of the injustice done to them, and make them understand how to resist it. Even the improvement of the material condition of the country, the increase of her wealth and resources, will have no other effect but to increase, by rendering the strength of the parties more nearly equal, the bitterness of the struggle which, if not put an end to by doing justice, will be a permanent one, and will not terminate if even that catastrophe, which I fear some men are guilty enough and mad enough to desire, were to occur; if, unhappily, the country were to break out into open rebellion, and the flames of resistance were to be quenched in blood, your difficulties

would not be got rid of, for the moment that resistance was over, the condition of the country would be practically the same, nay worse, than at present, for then all hopes of reconciliation with the Irish people would be at an end, and there would be no possible termination of the struggle, except when it should become so intolerable to both parties that we should be compelled to consent, not merely to a Repeal of the Union, but to a severance of all connexion between the two countries. Such must be the fatal result of a prolongation of this disastrous struggle. God grant, that in our party divisions, and party distractions, we may not continue that struggle until it be too late to apply a remedy. Sir, having thus stated my views upon these momentous questions, I shall now say a few words, and they shall be very few—upon the form of the Motion before the House. My noble Friend opposite, the Secretary for Ireland, stated last night, that the Motion for a Committee of the whole House, was not with a view to an inquiry, but was meant as a censure upon the Government, and that, if successful, it must be immediately followed by their resignation. It is perfectly true, I admit, that I mean to imply—and I believe my noble Friend so understands his Motion—that I think it absolutely necessary that Parliament should, without delay, adopt some measures of a far more comprehensive kind, and of a far different character from any that have been promised to us by the Government. This I mean to imply by my vote, and I believe it is the Parliamentary and Constitutional mode of asking the House of Commons for the expression of such an opinion. I admit, that the House cannot pronounce such an opinion without, in a certain degree, casting a censure upon the Government; and I admit, that in the ordinary course of affairs, the adoption of such a Resolution would naturally be followed by the resignation of the Government. All this I freely admit, but at the same time I solemnly assure the House, that I do not support this Motion because I wish to achieve a party triumph, or am actuated by a desire that the present Government should be dismissed from power. This is not my object, but believing that the measures to which I have referred are absolutely necessary, whether the present Government remain in power or not, I must ask the House to support my views, and I look upon this question as one which, like Catholic Emancipation, can never be carried by a mere party triumph. I believe the settlement of this question can only be accomplished as the Catholic question was settled, by the union of the two great parties which divide this House and the country, and by their making every sacrifice of preconceived opinions and party hostility, and concurring in doing that which is necessary for the welfare of Ireland, and the safety of the empire. I am persuaded that this is the only mode in which such a measure can be carried, and in fact, I regard this as the Catholic question over again, in another shape. Precisely the same danger and difficulties with which you had then to struggle have come upon you again, and I hope the Gentlemen opposite will consider the great responsibility which now rests upon them. They know that we on this side cannot carry the question against their will. If my object had been to overturn the Government, they know, and the House will understand, that I should not have declared in the unreserved manner I have done, the opinions I have expressed. I am not ignorant of the great mass of prejudice, (what at least I regard as honest prejudice amongst the people of this country, but which they think sound opinions), which I array against me in doing so. I wish that I were able to arrive at any other conclusion, but I am persuaded that what I have said is the truth, and if Gentlemen opposite will calmly reflect upon it, they will feel it to be so. In this awful conjuncture of the British empire, it is their solemn duty to their God and their country to consider how they hope the present state of Ireland is to be terminated, otherwise than by the means which I have pointed out, and if there are no other means which afford a rational prospect of success, not to reject those which are offered. This, Sir, is what I have respectfully to urge upon the consideration of the House, and, in so doing, I have to apologise most sincerely for the time I have taken up, and to express my deep regret at my utter inability to give utterance to one-half what I feel on the subject.

Captain *Bernal* moved, that the debate be adjourned.

After some conversation, during a part of which, the gallery was closed for a division, and in which the Ministers were taunted for not replying to Viscount Howick's speech, to which Sir R. Peel replied, that it was too bad to expect them to reply on the instant, to a speech which

went to the entire subversion of the establishment.

The debate was again adjourned.

House adjourned.

HOUSE OF LORDS,

Friday, February 16, 1844.

Minutes.] Bills. *Public.*—1ª. Witnesses Indemnity (Gaming).

Reported.—Metropolis Improvements.

Petitions Presented. By Lord Brougham, from the Earl of Dundonald, for Extension of his Patent for Steam Engines.—By the Bishop of Salisbury, from Dean and Chapter of Wells, against Union of Sees of St. Asaph and Bangor.—By the Earl of Devon, from Kingsbridge Union, for Alteration of Bastardy Clauses.—By the Earl of Yarborough, from Woodhall, and 8 places, for Agricultural Protection.—From W. H. Stuckey, respecting his Invention for Filtering.

Poor Law — Mother and Children.] Lord *Denman* hoped it was not very unreasonable to request their Lordships' attention to a matter relating to himself, which he thought likely to have passed away, but which had excited a great deal of discussion in Parliament and in the newspapers. He saw on the Votes of the House of Commons that were lying on their Lordships' Table the following notice:—"Mr. Ferrand, to put the following question to the Secretary of State for the Home Department: "That as Lord Chief Justice Denman has declared it to be the unanimous opinion of the Judges of the Court of Queen's Bench,—'that there are some cases in which it is necessary to break in upon an act of Parliament, and upon that which may have existed from all time; and has also declared that 'it is the mother who is the proper party to have the custody of all her children under seven years of age, and that it is not for the benefit of the mother, but for the protection of the children;' and that he thinks that 'the Judges ought to crush the first attempt to depart from that principle, and that it is of the highest importance that it should be considered the undoubted law of the land'—of the highest importance whether the Government intend to insert a clause in the New Poor-law Bill, for the purpose of prohibiting the separation of Mother and Child, if they should become the inmates of a workhouse.'" This extraordinary declaration, said to have received the unanimous concurrence of the Judges of the Court of Queen's Bench, had been put conspicuously forward in a leading newspaper as a truth. It would be extraordinary indeed if such an opinion had proceeded from any judge. He found that his right hon. Friend the Secretary for the Home Department had already answered elsewhere, and on authority, for the Judges of the Court of Queen's Bench, that no such opinion had ever fallen from their lips. But still he perceived that the statement was persevered in, and he had just seen an article occupying three columns of *The Times* newspaper of that morning, in which it was asserted, that he (Lord Denman) had delivered this opinion, and evidence was adduced to show the accuracy of the report. It was then observed, that the reporter who noted down this opinion, on hearing it, turned round to his brother-reporter and said to him, "Denman has blurted out a great truth!" No doubt this remark must be received as a compliment, and if he (Lord Denman) had given utterance to a great truth in Court he should be very glad of it. He was perfectly sure that, in noticing this matter, no idea existed of saying anything unkind with reference to him, for a leading article on the subject appeared in that most eminent and highly respectable paper *The Times*, approving the judgment, such as it was supposed to be, and vindicating the right of ministers of the law to decide in defiance of an Act of Parliament when they thought proper. The story of one reporter turning round and making the laudatory remark to another, on this occasion, reminded him of a certain character, in ancient times, who thought much less of the people than he (Lord Denman) did, and who, when he was applauded, in addressing a large assembly, always turned round and asked the person next him—"Have I uttered any great nonsense? Have I stated anything quite beside the question? Have I committed myself by something eminently wrong?" He (Lord Denman) felt the greatest deference for public opinion, and he wished to show the greatest respect for those who undertook to lead and inform the public mind; but it astonished him, considering *The Times* was a newspaper of such great intelligence and talent, that any person employed on its establishment should, when a Judge was supposed to have uttered very great nonsense, turn round and say "he has blurted out a great truth." To find the nonsense repeated and deliberately defended, was even more surprising. The case before the Court on the occasion

alluded to was of the most simple nature. Certain justices thought themselves warranted in removing a child from the mother, within the age of fourteen, because the mother had given her consent to such removal. The Judges of the Queen's Bench were all of opinion that the mother was bound in duty to take care of her child; and that no consent of hers would justify the magistracy in removing the child from that protection which was provided for the child's benefit, not for the mother's. That was held to be the law of the land. A case of "The King v. Bennett," had, however, been cited in the argument, which turned on the operation of the 59th of George 3rd. In that case the question was, whether an Irish female pauper, having a bastard child born in England, within the age of nurture, could be removed and passed into Ireland with her child. Lord Tenterden had said, "Great inconvenience would certainly arise in separating the mother from the child: but that inconvenience must be endured; if the law does not give authority for the removal of the child, it must remain where it is." Lord Tenterden added in a subsequent part of his judgment—"The Statute authorised and required the parties to remove the mother to Ireland, who had no settlement in England; but they had no power to remove the child who had a settlement in England. The law gives the magistrates no power to remove the child to Ireland. There may be hardship in removing the mother without the child, but the act is imperative, and it must be obeyed." Precisely in the same spirit, he (Lord Denman), in the observations which he recently had made, said, "There may be some acts of Parliament by the operation of which it may be necessary to depart from the ancient rule of law; but in this case there is no such necessity. The old rule is in operation, and no Act of Parliament requires us to go against it." The plain intimation was, that if there had been such an Act, it must have been obeyed, notwithstanding the ancient rule;—that is, the direct contrary of what he was supposed to have declared — that was the unanimous opinion of all the Judges. He had had no communication with the right hon. Secretary of State, nor with his brothers of the Court of Queen's Bench, on this subject; but with respect to the latter, he must bear his testimony, that they never uttered a word having the tendency imputed. He might be allowed to observe, that he had received a letter from Mr. Adolphus (the reporter of the Court), in which that gentleman stated what had actually passed—namely, "that in some cases, to meet the provisions of a statute, it was necessary to break in upon an established principle; but that no such necessity existed here." His note was short and general, but he added, "that, if anything had been stated, purporting that the Judges ought in any case to go against the law, it certainly would not have escaped his memory."

THE EARL OF DUNDONALD'S INVENTION.] Lord *Brougham* rose, pursuant to notice, to present to their Lordships a petition from the Earl of Dundonald, on the subject of his Lordship's patent for an improvement in steam machinery, as applicable to ships. The noble and learned Lord took that opportunity to advert at some length to various useful inventions of the father of the Earl of Dundonald. That noble Lord was a most scientific man; but, by his application to scientific discoveries, instead of increasing his wealth, he had greatly impaired his fortune. Amongst his most useful inventions was that of coal-tar, which was now so generally applied for the protection of wood and wooden buildings. At first—nay, for many years, indeed until after the period of the patent had expired, there was a great objection to using that valuable article. It was regarded as most disagreeable in its smell, on account of the hydrogenous gas mixing with the coal; and this was regarded as being disagreeable and tainting the air. But this smell was soon dispersed and lost on account of the volatile compound which formed the coal-tar. The late noble Earl's patent expired at the end of fourteen years, but on application to Parliament the term was renewed. Nevertheless, although he had the patent twenty-eight years, he obtained nothing for his invention, for the public entertained such strong prejudices against using it, that it was not until long afterwards that the invention was held of value. The late noble Earl was also a great promoter of agriculture; so long ago as 1803 he published a work applying chemistry to agriculture, which was at this day considered as a text-book on the subject. The noble and

learned Lord, after pronouncing a warm eulogium upon the distinguished gallantry and professional skill of the present Earl of Dundonald, expressed an earnest hope that the House would listen to the prayer of his noble Friend's petition. His invention was one of great importance. There were many difficulties to solve which other parties had in vain endeavoured to overcome. The invention of which he spoke would effect a material change in the steam-engine, the object of his noble Friend being to introduce a rotatory motion. This mechanical invention it was not so easy, without much preparation, to explain to their Lordships, as it was to put them in possession of the details of the chymical discovery to which he had just alluded; but if any noble Lords felt sufficiently interested in the subject to examine its details, he would find that the encyclopædias generally stated the object which Lord Dundonald had accomplished to be impossible; and Watt himself had been foiled in his attempt to solve that extraordinary problem. But Lord Cochrane, now Lord Dundonald, succeeded in effecting that which Watt had failed in accomplishing. His noble Friend having got over the difficulties of this problem took out a patent, of which thirteen years had already expired. It had, therefore, but one year to run, and the Bill not long since introduced and carried through Parliament gave the Judicial Committee of the Privy Council only the power of extending a patent of this nature for a further period of seven years. Now, seven years would not be sufficient to remunerate him for the trouble which he had taken and the expense which he had incurred; and Mr. Watt for his great invention had been under the necessity of applying to Parliament for fourteen years more, otherwise instead of dying in the enjoyment of large wealth, he would have died, like the late Earl of Dundonald, very poor. On these grounds he did beg to press the subject upon the consideration of the House, in the hope that they would see the expediency and the justice of giving to Lord Dundonald the full benefit of his invention.

The Earl of *Haddington* expressed his entire concurrence in what had fallen from his noble and learned Friend with respect to the discoveries of the late Earl of Dundonald; and it was no doubt perfectly true, that the public were reaping the benefit of the exertions of a whole life, whilst he was entirely dependent on his gallant son, the present Earl. With respect to the Earl of Dundonald, as a naval officer, there could be but one opinion—he was as gallant as daring, and as skilful an officer as ever walked the quarter-deck of a man-of-war. He believed that all his noble Friend had said would be remembered by all who recollected his feats, or who had read the naval history of the last war. With regard to the inventions of Lord Dundonald there could be no doubt that they were likely to turn out most important, and they were such as must necessarily have caused great expenses. So far he had had the advantage of having his works put up at Portsmouth Yard, by leave of the last Government. And the time for its remaining there had been extended by the present Government; but it was impossible, except after a great length of time, to bring these discoveries to perfection. It was a most beautiful and promising discovery, and the Admiralty had shown their sense of its merits by allowing the noble Lord to build a ship, of which he had himself laid down the lines, and he had received the report of the chief engineering department, containing a most promising account of the progress. The machinery took very little room, much less than the old.

The Marquess of *Normanby*: As his noble Friend had alluded to the first professional distinction of the noble Earl, under his father, he must say, that though he was too young at the time to recollect the services, he had never heard his father mention the noble Lord's name without commendations of his extraordinary professional abilities and determination of character, which led to his employment in the difficult service of the Basque-roads.

Petition laid on the Table.

State of Ireland.] The Earl *Fitzwilliam* said, that he had moved for returns relative to the number of troops now stationed in Ireland, which had not been laid on the Table.

The *Lord Chancellor* said, that the return had been made out.

The Earl *Fitzwilliam* would be glad to see it, and he wished that the people of this country would see the expensive mode in which it was now necessary to govern, or rather to occupy Ireland. He was sure that their Lord-

ships, and the public at large in England, would soon have very good reason to consider that subject. There was another subject to which he must allude, and however distasteful it might be to the public at large, peculiarly distasteful as it might be to their Lordships, and however distasteful it might be before the other House of Parliament, it was a subject which at no distant period must force itself on their Lordships' attention. If he had not been misinformed, his noble Friend, the President of the Council, not long since, had discussed the subject in that House, and had stated his objections to arranging or adjusting it. From this he concluded that the Government saw the difficulties one way, and another way, and a third way, and a fourth way; and the conclusion which he could not but form was, that people who discovered great difficulties in accomplishing a great object, had declared that the object should not be accomplished, and therefore he drew the inference, that Her Majesty's Government would not be too extremely curious in discovering the mode of overcoming those difficulties. He had not told their Lordships as yet what was the subject on which the difficulties presented themselves to the minds of the Government, and he was sure, though he had not told it, that his noble Friend, and the noble Lords opposite, must have a strong suspicion on their minds of what that question was; and that was, the condition and the mode in which spiritual comforts were administered, and the provision made in this country for the administration of spiritual comfort to the people of Ireland. He apprehended that no person in that House would deny, and he trusted that no one in the other House would deny, that one of the most important duties that could devolve upon the Civil Government of this country was to provide for the spiritual comfort of the people of this country. The Government of this country had not provided for the spiritual instruction of the people of Ireland; it did provide for the instruction of a small portion—it did provide for the noble Marquess opposite—it did provide for the noble Earl who sat near him—it did provide for the noble Lords on the benches near him—and it did provide for him when he did occasionally reside in Ireland—but it provided no instruction for the people of Ireland. The Government had neglected one of its most important duties towards the people they were governing. In his opinion, the time had arrived when the consideration of the people of this country must be turned to a provision for the spiritual comforts of the people of Ireland; and as long as there was ecclesiastical property in that country, out of that ought to come the funds for providing that spiritual instruction to the people. That proposal was extremely distasteful to noble Lords opposite, but there were many things which were more distasteful than providing religious instruction for persons of different religious opinions; and the time had arrived when the people of this country must make up their minds fully to consider what they are to do. He knew that there were prejudices and antipathies growing out of what men fancied to be religion, but what was not religion, but which, when they got hold of people's minds, rendered it difficult to reconcile a nation to what militated against their views: but that this must be considered, and that the provision must come out of the ecclesiastical property in Ireland he had no doubt.

THE GAMBLING ACTS.] The Duke of *Richmond* stated, that he was desired by the Committee of their Lordships' House now sitting on the subject of the Gambling Acts, to state to the House that they had been met at the outset of the inquiry by the obstacle that the witnesses did not choose to answer questions lest they should criminate themselves, and to present to their Lordships a Bill for indemnifying such persons as might be summoned to give evidence before the Committee. The noble Duke having laid the Bill on the Table, and moved that it be read a first time,

Lord *Campbell* supported the motion, and said, that discoveries were making before the Committee which would astonish the public.

Bill read a first time.

House adjourned.

HOUSE OF COMMONS,

Friday, February 16, 1844.

MINUTES.] BILLS. *Private.*—1°. Ramsay Inclosure; Bury Inclosure; Liverpool Gas; Manchester, Bury, and Rossendale Railway; Ribble Navigation.

PETITIONS PRESENTED. By Mr. Scholefield, from Birmingham, Mr. Williams, from Bridgewater, Dr. Bowring, from Bolton, Mr. Aldam, from Leeds, and Mr. Stansfield, from Liverpool, for Withholding the Supplies.—By Mr.

Brotherton, from Salford, and Manchester, and Mr. C. Villiers, from Liverpool, against Increase in Military Establishments.—By Sir J. Y. Buller, from Kingsbury Union, for Alteration in Bastardy Clauses.—From Gravesend, respecting Window Tax on Licensed Victuallers.—From Llangollen, and other places, against Union of Sees of St. Asaph and Bangor.—From Salisbury, for Reduction of Tobacco Duty.—From C. Williams, respecting Railways.—By Sir J. Trollope, from Spalding, and 6 places, against Repeal of Corn-laws.

STATE OF IRELAND—ADJOURNED DEBATE (FOURTH NIGHT).] Captain *Bernal* said, that after the able and eloquent speech last night of the noble Lord the Member for Sunderland, it was but natural for the House to suppose that some leading Member of the opposite side would have risen to reply to him. He waited for some time in expectation that this would be the case, and in moving the adjournment, he had been charged with standing between the right hon. Baronet at the head of the Government and the House. He certainly should not have presumed to have got up at all had he known such would have been the case, and he thought it necessary to give this explanation, as he had been blamed, not only by friends, but by opponents. In resuming the discussion, he could not help observing that if they were to search for an illustration and a proof of the truth of the celebrated Swedish Chancellor's saying, "We are ignorant with how little wisdom the world is governed," it could no where be more readily found than in the conduct of the present Government in regard to their policy in Ireland. When he heard the right hon. Baronet the Secretary for the Home Department, and the noble Lord the Secretary for Ireland defend the policy of the Government of Ireland, he could not help feeling that they were doing little more than splitting straws. He had listened with great surprise and equal attention to the speech of the right hon. Baronet. That it was all complaisance and mildness he was free to confess, but through all that speech of blandishments, it was very evident that in his heart was lurking the old principle of "Protestant ascendancy" and "No surrender." That speech would show to the people of Ireland that Ministers had never contemplated any measure whatever of effective concession and conciliation. He would not stop to enumerate the number of Repeal meetings held this year, and compare the number of people attending them with the numbers at the meetings in former years; but he would remind the House that there was a time when the Irish nation made their solemn renunciation of a Repeal of the Union—there was a time when there were no monster meetings, no meetings at all, save those of a few disinterested noblemen and gentlemen, who turned their backs upon the Lord Lieutenant, because he wished to govern the country in a spirit of fairness and impartiality. To use the expression of Mr. Hussey Burgh, Ireland was in a state of smothered war, and the Government of the country was transferred to three orders—the infantry, cavalry, and artillery. The right hon. Baronet called upon the House to stand by the principles of the Revolution. But he did not clearly understand what the right hon. Baronet meant by the expression. Certainly, he could not conceive any such principles to justify the proceedings of the Government. If the right hon. Baronet turned to Mr. Burke's Reflections on the French Revolution he would find the following passage:—

"Let us not confound all things which were done at the Revolution with the principles of the Revolution, as in most great changes many things were done from the necessities of the times, well or ill understood, from passion, or from vengeance, which were not only not agreeable to its principles, but in direct contradiction to them. In England, it was the struggle of the great body of the people for the establishment of their liberties against the efforts of a small faction. In Ireland, it was the establishment of the power of the smaller number, at the expense of the civil liberties and properties of the majority. It was not a Revolution, but a conquest, which is not to say a great deal in its favour. But to insist on everything done in Ireland at the Revolution is to insist on the severe and jealous feeling of a conqueror in the crude settlement of his new acquisition, as a permanent rule for future government."

Such were Mr. Burke's sentiments with respect to the Revolution; and he wished that such reasoning was adopted and acted upon by the right hon. Secretary for the Home Department, and the Government of Ireland would be very different from what it now was. There might have been Governments in Ireland more arbitrary and bloodthirsty than the present—for instance, those of Lord Strafford and Lord Buckinghamshire, but it was impossible that they could adduce an instance of any Administration that was more thoroughly inefficient for the government of a country than the present. Was he alone in this opinion? Indeed he was

not; for during the last Session of Parliament the right hon. Gentleman the Recorder of Dublin (Mr. Shaw) maintained the same sentiments, though expressed, perhaps, in somewhat milder language. The right hon. and learned Gentleman maintained too, with great determination, and he was not alone in thinking so, that he was in the exclusive possession of religious truth. ["No, no."] Perhaps, then, the right hon. Gentleman would explain what he meant by saying that he and his party were in the exclusive possession of religious truth? Did he not say last night that he would sacrifice his life for that exclusive possession of religious truth which he and others held? The right hon. Baronet had a great capacity for all things; but this exclusive possession of religious truth was shared in common with him by some who gave rather a fuller explanation of their views than the right hon. Gentleman. He held in his hand a singular address, which illustrated this exclusive possession of religious truth, which was presented to the Lord Lieutenant of Ireland on the 14th of October last, from the "Dublin Protestant Operative Association and Reformation Society." The address was as follows:—

"May it please your Excellency, until idolatry is destroyed in Ireland the evils of this country will be perpetuated beyond the possibility of human remedy. . . . It follows, as an inevitable conclusion, that on us, the Protestants of Ireland, it rests, to destroy the idolatry that is in our country, and that on us accordingly the guilt of its prevalence will rest.

"In fine, we most humbly submit to your Excellency that what we want for Ireland is, laws which shall have for their end the abolition of Popery, for example:—

"An Act to withdraw all manner of support whatsoever from the Roman Catholic College of Maynooth, and from all other Roman Catholic educational institutions and ecclesiastical institutions at home and abroad.

"A law appointing a board of Commissioners to publish authoritative expositions of the errors of the Popish system, and answers to the attacks of its priests.

"A law to remove from the Legislature all persons who are disqualified by the nature of their principles from enacting laws of the kind which we have mentioned, that is to say, laws calculated to promote the spiritual interests of the people."

It might have been expected, that to this address the Lord Lieutenant would decline returning any answer. He believed, that in 1829, the present Commander-in-Chief, then at the head of the Government, received an address from the Catholic Association, and the only answer that he gave to it was, that he had placed it in his tin box. Now he wished that the Lord Lieutenant had done so with respect to this address; but instead of this he returned the following answer:—

"*Viceregal Lodge, Oct.* 16, 1843.

"Sir,—I am directed by the Lord Lieutenant to acknowledge the receipt of you letter of the 14th instant, forwarding an address from the Dublin Protestant Operative Association; and his Excellency requests you to make known to the members of that association, who are parties to the address in question, his acknowledgement for this expression of their thanks for his conduct on a late occasion.—I have the honour to be, Sir, your very obedient servant,

"Arthur C. Magenis.

"William Compton Espy, esq., Secretary to the Dublin Protestant Operative Association."

This was an admirable specimen of what was called the exclusive possession of religious truth in Ireland. It should be recollected, that it was from such a class as those who sent up this address, that the jurors had been selected to try men opposed to them in politics and religion. He came now to the conduct of the Government with regard to the late monster meetings in Ireland, and he must say that it appeared to him to be most extraordinary that, after watching them for several months, they almost encouraged them by not interfering, notwithstanding the Lord Chancellor declared several months ago, that he regarded those meetings but as preparations for rebellion; and this he reported in July, and that they then only acted at the very last moment, and that, too, with such precipitation. The exculpation offered by the Recorder of Dublin as to his conduct with respect to the jury list was at the expense of the High Sheriff, but his statement rested simply upon assertion, and he (Captain Bernal) was not satisfied with assertion when there was in existence an affidavit declaring that twenty-seven Catholic jurors had been omitted from the list, which affidavit had not been officially denied. [Mr. *Shaw:* I deny it. There is no such affidavit.] The right hon. Gentleman had not denied it on affidavit. The right hon. Gentleman, the Secretary for the Home Department—so strong was his genius for conspiracy—had

charged the traversers' counsel with a systematic attempt to provoke a breach of decorum, while the noble Secretary for the Colonies said, that the Attorney-general for Ireland had fallen into the trap laid for him. He (Captain Bernal) considered that such a trap existed nowhere but in the diseased imagination of the right hon. and learned Gentleman. The Government had made but a poor defence of their law officers, their vindication resting upon the ground

"That in the General's but a choleric word,
Which in a Counsel were flat blasphemy."

It appeared to him that the verdict of the jury had lost all moral effect, from the constitution of that body. The right hon. Baronet had announced the intention of the Government to propose an additional grant for education in Ireland. He would beg to refer to a recent appointment of Lord De Grey's, that of the very rev. Holt Waring to the Deanery of Dromore, with 1,500*l.* a year; and to show the qualifications of that gentleman for the promotion conferred upon him, he would give the House a description of some proceedings to which that rev. gentleman had been a party. It referred to an Orange meeting held at Hillsborough, in 1835. The account stated, that,—

"Shortly after eleven o'clock a tremendous shout from the town announced the approach of the first party. They were from Moira, and were headed by the rev. Holt Waring, who was drawn by the people. A flag, the Union Jack, was hoisted as the signal of their arrival. In a few minutes they were seen descending the steep hill from the town, and approaching the place of meeting, in a close, dark, and dense mass, comprising, certainly, not less than 20,000 persons. Having escorted Mr. Waring to the foot of the platform, they received his thanks, expressed in warm and energetic language; and having given three cheers (let the right hon. Baronet mark the next word), deployed around, and took the position assigned them."

The report proceeds to state, that—

"Other 'battalions' arrived in regular order, and that the meeting comprised 'at least 75,000 persons.' At this meeting Mr. Waring made an inflammatory speech against the Catholics and National Education."

Although this gentleman had been passed over by several successive Governments, it remained for Lord De Grey to promote him to this piece of preferment. The same observation applied to his Excellency's thirty-nine chaplains (an unprecedented number), who, with two exceptions, are hostile to the Board, and who embrace every shade of theological opinion, high Church and low; and are agreed only in opposition to the National System of Education in Ireland. An additional grant for National Education! Why, this was trying National Education as the so called conspirators were tried, by a jury which was opposed to them. It was seldom that the right hon. Baronet betrayed his real sentiments, but in 1839 he said with great candour, that Ireland was his great difficulty. Well, what amount of difficulty did the right hon. Gentleman desire? Was he not satisfied with having rekindled religious animosity in that country—with having set sect against sect? He called upon the right hon. Gentleman to state what more difficulty he wished for. Did he mean to wait till the country was deluged with blood? He called upon the right hon. Gentleman to state, as he ought to have done last night, in answer to the noble Lord, what more he required. He regretted the apathy of the English people towards Ireland, but hoped, that if a sense of justice did not rouse them, a sense of self-interest would. The same scenes which were now rehearsing in Ireland might be enacted in England—"Jam proximus ardet Ucalegon." It was not the disposition that was wanting, but the opportunity. If the hon. Gentleman against whom the recent proceedings had been mainly directed had fawned upon power, or flattered its possessors, he might have received high eulogiums from the high and the great; but he would have been a bye word and a scorn to the people, whose admiration, respect, and confidence he now possessed. If the Government would secure peace in Ireland, they must rule the country according to Irish notions—nay, according to Irish prejudices, and above all must cherish the Catholic religion as a good, and not tolerate it as an evil. He would conclude with repeating the words of a great man, now no more:—

"I say the present Ministers of this country cannot govern Ireland in England; the loss of a nation's good will is synonymous with the loss of reputation. After an experience of years, your country, taking an impartial survey of all your offences, perhaps in the prodigality of mercy, may forgive, but surely she can never trust you."

Mr. *Disraeli* said, that after the course he had taken last year it would be altogether unworthy if, on the present occasion, he were to shrink from expressing without reserve the views which he had taken on the general question before the House. He would, in the first place, remark upon an observation made by the noble Lord the Member for Sunderland. The noble Lord had repeated what he believed to be an historical error of the greatest importance in allusion to a fact a right appreciation of which would, he imagined, throw great light upon the subject, and facilitate the solution of this great political problem,—he meant the right government of Ireland. The noble Lord had mentioned, that the grievances of Ireland had existed for more than 300 years, referring to the introduction of the Reformed Religion into that country. The right hon. and learned Member for Devonport, while he equally with the noble Lord had avowed his conviction in the truth of Protestant principles, had alluded to the same circumstance. The natural inference was, that between the introduction of these Protestant principles, and the misgovernment of Ireland there was a necessary and an irresistible connection. If he were to refer to a period of the history of Ireland when the government of that country had approached nearer to the character which the hon. Gentlemen opposite desired, it would be a period by no means so distant as that to which the noble Lord referred. He would take a period only 200 years past—the period immediately preceding the breaking out of the civil war. At that period there was a Parliament in Dublin called by a Protestant King, presided over by a Protestant Viceroy, and at that moment there was a Protestant Established Church in Ireland; yet the majority of the Members of that Parliament were Roman Catholics. The Government was at that time carried on by a Council of State, presided over by a Protestant Deputy, yet many of the members of that council were Roman Catholics. The municipalities were then full of Roman Catholics. Several of the sheriffs also were Roman Catholics, and a very considerable number of magistrates were Roman Catholics. It was, therefore, very evident that it was not the necessary consequence of English connection—of a Protestant Monarchy, or even of a Protestant Church—that this embittered feeling at present existed; nor that that system of exclusion, which either in form or spirit had so long existed, was the consequence of Protestantism. Since the last discussion upon this subject in the House, a very curious and authentic work had been published, which threw important light on the political and social condition of the people of Ireland at that period. This was the journal of Sir William Brereton, an English Baronet, a great Puritan leader, afterwards second in command under Fairfax. He visited Ireland in 1636, a few years before the general Rebellion. He had given them an account of the social and political features of Ireland under a Protestant Monarch and under a Protestant Establishment, and which exhibited the most perfect civil and political equality, the government of the country being in general carried on by Roman Catholic subjects. The Oath of Supremacy, the only penal enactment, was then never called for, and this by the special desire of the King. Every corporation was open; and it was mentioned that the author had seen a Protestant Judge of Assize carried to his church by the Popish Mayor of Wexford, who was then carried himself to the Mass-house. He mentioned this to show that to attribute the present condition of Ireland to the consequence of Protestantism was an error. Its condition was to be traced, not to Protestantism, but to Puritanism. It was the consequence of that stern system which in this country had destroyed those institutions which they were now all banded together to support. He knew that it might be said that this social state, which they wished to see revived in Ireland, was immediately followed by the Irish Rebellion. A rebellion against what? Against a Parliament rebelling themselves against their King. That Rebellion in Ireland had led to the establishment of a Government of an essentially national character—the Convention of Kilkenny, a body with whom the King of England had been more than once in treaty. The King of England, through Glamorgan, afterwards the famous Marquess of Worcester, had entered into a Treaty for the settlement of Ireland with the Convention of Kilkenny, in the secret articles of which were laid down the principles upon which the pacification of Ireland was then to take place. The secret articles of that Treaty were merely that the Roman Catholics should enjoy the same civil and political equality

which they had done previously to the breaking out of the civil war,—that was, that they should not be called on to take the oaths of supremacy; and, with reference to the Protestant Church, that there should be a recognized equality between the two Churches. These were the articles which Charles I., by his word of honour had ratified. It would then be seen that it was not the necessary consequence of their political opinions—it was not a necessary quality of what was called "Toryism," that they should look upon the Irish people as strangers to them either in interest or affection; on the contrary, the system of exclusion had been fostered not by the Tory party—they had not invented the Penal Code. All he meant by stating these circumstances was, that they should rescue the Conservative party from the untenable position in which hon. Gentlemen supposed it had been placed—that it was part of the heir-loom of their political connection to look with jealousy on Ireland; on the contrary, they were the natural allies of the Irish people. What! did the noble Lord deny this? Was it the Tory party that had introduced the Penal Code? It was not the Tory party that had made a factitious aristocracy out of the plunder of the Church. The Penal Code was introduced, and at the same time a new spirit had been infused into what was called the Protestant Church of Ireland—a puritanic spirit, and from that moment the Church of Ireland had lost all its influence, and then those unfortunate consequences which had ensued had their origin. He hoped he might be permitted to refer to a vote which he had given last Session. He did so, not for a moment supposing that anything he individually did would be of interest to the House, but because it was important to all that the legitimate character of party connection should be understood. He had never concealed it, but, on the contrary, had always frankly avowed that he was a party man. He did not consider, as some hon. Gentlemen seemed to consider, that party connection was an unfortunate or corrupt practice. He thought that it was the duty of a Member of that House to be a party man. It was a natural and necessary homage to the genius of our Parliamentary constitution. But if they followed a leader, the leader should be prepared to lead. Now, he did not wish captiously to advert to the conduct of any gentleman upon the Treasury Benches; and he should be particularly sorry to make any animadversions upon the conduct of the right hon. Baronet at the head of Her Majesty's Government; but as the hon. Gentleman who had just addressed the House had reminded them, and of which, by the way, they had been so frequently reminded, that it had become a great historical aphorism, that Ireland was to be the great difficulty of the Minister—now, that was an opinion in which he had never shared. He never believed that Ireland would be a great difficulty, because he felt certain that a Minister of great ability and of great power would, when he found himself at the head of a great majority, settle that question. He (Mr. Disraeli) believed it then; he believed it still. He believed that the right hon. Gentleman would settle the question. For nearly two years after the accession of the right hon. Gentleman to power there was a lull in Irish affairs; and he (Mr. Disraeli) was glad to find it so. He knew very well, when the Irish question was again brought forward, a dissolution of all party on that subject must necessarily occur. It was the inevitable consequence of the circumstances under which the right hon. Gentleman had entered office, and to which he (Mr. Disraeli) would not now more particularly advert, because he had on another occasion clearly placed them before the House, and because he was ever disinclined to make captious comments on the conduct of the Government. That dissolution of party ties on the Irish question was, however, a fact, an inevitable consequence; he need not expatiate upon it, because the right hon. Gentleman, in reply to those very comments which he (Mr. Disraeli) had ventured to make last year, had instantly admitted that Ireland was no longer a party question. That was the greatest admission ever made by a Minister. Finding, then, last year, that Ireland was not a party question, forced to give an opinion on Irish affairs, Ireland being in a state of convulsive turbulence, he felt it his duty then to express his opinion that the Government should arrest that sedition—should, in fact, govern the country; and that they should make up their minds at last to recognize and remedy the cause of that disturbance. It had been urged that Government was watching events, that a resolution required time. Now, he (Mr. Disraeli) would never have presumed

to criticise the conduct of a Government in a position of such difficulty, if they had only announced that they were merely watching events, and were prepared to take steps when they deemed that circumstances were ripe; but was that so? Was there not evidence of distracted councils? Was not one opinion given in one House of Parliament, and a contrary opinion given in another? Then, the question not being a party question, he was justified in giving an opinion—an opinion that the turbulence should be put down, and the causes of the turbulence removed. And the subsequent conduct of the Government justified his course. They had put down the turbulence, and they began to talk of the necessity of inquiring into its causes. He conceived, then, in the course he had adopted he was justified. And now, what remedy had they for the causes of this turbulence? Was it as complete or as comprehensive as he desired? Perhaps he might again subject himself to the imputation of new-born zeal for Ireland. Now, zeal was a quality so rare in that House, and he feared in this age and country, that the imputation of new-born zeal was not one that could be very overwhelming. He wished that everybody was equally regenerate. But he entertained no opinions with respect to Ireland other than those he had always held. The right hon. Baronet, indeed, had mentioned, that in opposition he had no recollection of hearing any demurs from him (Mr. Disraeli) on their Irish policy. Now, the only legitimate occasion on which he could express his opinion as to the principles on which the Irish Government should be carried on, was on the municipal corporations. On that subject, he, with great reluctance, had not only voted against the counsel of the right hon. Baronet, but, knowing, that the division might place him with Gentlemen for whom he entertained a most entire respect, but from whom he entirely differed on the subject of the Irish Government, he thought it best, painful as was the effort, not only to vote but to speak. That was the time when "justice to Ireland" was raised as a great party cry in this country. The author, or rather the reviver of that cry, was in the House, and would contradict him were he in error. Justice to Ireland was then said to mean, an identity of institutions with England. He believed that to be the greatest fallacy that could be brought forward. He always thought that the greatest cause of misery in Ireland was the identity of institutions with England. Surely we had given them similar institutions more than enough. How could people ask for an identity of institutions when the very primary and most important institution of all — the union of Church and State—was opposed by the Irish people? When the subject of Municipal Corporations was before the House, he expressed these opinions. He said, that instead of having an identity of institutions they should get rid of all those English institutions which they had forced upon that country. He then asked the House whether those forced establishments, those mimetic corporations, those jobbing grand juries, those imitative benches of English magistrates, could be expected to produce beneficial results, and he ventured to lay down as a principle, that the Government of Ireland should be on a system the reverse of England, and should be centralized; that they should have a strong executive and an impartial administration. He begged distinctly to say, that he had never changed his principles on Irish policy or in any other respect. He said this without reservation—at no time, at no place, under no circumstances, had he ever professed any other principles than those he now maintained. They were Tory principles, the natural principles of the democracy of England. They might not be the principles of those consistent Gentlemen whose fathers had bled in England for Charles I., and who now would support in Ireland the tyranny established by Oliver Cromwell. They certainly were not the Tory principles of those who would associate Toryism with restricted commerce and with a continual assault on the liberty of the subject. But they were Tory principles, such as he found them in the pages of eminent writers; such as they were practised, at happy epochs in the history of this country, by eminent statesmen. They might be opinions now very feebly advocated, feebly supported in that House, ill understood at this moment in the country; but they were principles which had made the country great, and which be believed could alone keep the country great. He gave the noble Lord opposite, who laughed, every credit for his principles, because they also were principles with

an ascertained and avowed object; they were Whig principles—the natural principles of the aristocracy of the country. He opposed them, but he respected them; they had produced great men and great deeds. Whether or no, there were, as they were told, a happy *via media* between Whigism and Toryism, the principles of which were not so apparent, time perhaps might prove. He was content to tread in the old path, the natural way, he repeated, of the democracy of England. He had no idea, that the Tory party should be always regarded as the tyrants of Ireland; he had no idea, that they should be looked upon as those who had treated the Irish as serfs and slaves, the authors of their confiscations and of their penal laws. It was not so. Let them forget two centuries of political conduct for which Toryism was not responsible; let them recur to the benignant policy of Charles I.; then they might settle Ireland with honour to themselves, with kindness to the people, and with safety to the realm. At every period, when Tory politics and Tory statesmen had succeeded in breaking through the powerful trammels of Whig policy, they would invariably observe, that there had been a hope for Ireland, a streak of light observable in its gloomy horizon. Did not Mr. Pitt, the last of Tory statesmen, propose measures for the settlement of Ireland, which, had they been agreed to by Parliament, would have saved Ireland from her present condition? They would have had the Roman Catholics of Ireland emancipated at a very early period, and they would have had the Church question, too, settled at a very early period; and it would, in his mind, still be settled at a very early period; and it would be settled, he had no doubt, upon principles analogous to those which were laid down by a great statesman in 1636. If they wanted permanently to settle Irish affairs with credit to themselves, and to the satisfaction of the Irish people themselves, they must reconstruct the social system of that country; and they must commence by organizing a very comprehensive and pervading executive. When they had done this and got the administration of justice into their hands, they would perhaps find a less necessity for legislation for Ireland than had been considered requisite. With regard to the proposal of the noble Lord, if the noble Lord or any other hon. Member came forward with a comprehensive plan which would certainly settle the question of Ireland, no matter what the sacrifice might be, he (Mr. Disraeli) would support it, though he might afterwards feel it necessary to retire from Parliament, or to place his seat again at the disposalof his constituency. But he confessed he had no apprehension of that; he had the honour to represent the oldest Tory constituency in the country, and he had already succeeded in weeding from their minds some most inveterate Whig prejudices. Last year for example, when he was told that he had lost his seat because he had supported the right hon. Gentleman's tariff, he went down to see his friends in the country, and explained the history of England to them; and he could assure the House that after that they took the most enlightened views upon the subject, and were proud to recur to old Tory principles of commerce. That reminded him that he did not at all understand the new morality of the House of Commons, when Gentlemen said—"It is extremely desirable to do so and so; but it is so very difficult; and then there are prejudices—what are we to do against prejudices?" Why, everything great was difficult. In 1832, when everybody said, that the right hon. Gentleman's party was smashed, and that he was a doomed man, it was thought that nothing could be more difficult than to reconstruct the right hon. Gentleman's party. But the right hon. Gentleman looked about him and set to work like a man. Well, there was a difficult thing, a very difficult thing, to reconstruct a Conservative party after a revolution; but it was done, and done well. But there were prejudices to be removed, too, in that case—the prejudices of very eminent personages; but that was done too, with time and resolution; and there sat the right hon. Baronet at that moment, with a Secretary of State on each side of him, whose prejudices he had succeeded most effectually in removing. They were Colleagues of whom the right hon. Gentleman might well be proud, and it was a most encouraging circumstance, that he should have succeeded so readily in removing prejudices. He did not think it was more difficult to reconstruct the social system of Ireland than to reconstruct a party destroyed by a revolution; nor did he think it a more arduous task to remove the prejudices of those who thought

very little upon a subject than of those who thought a great deal. He must protest against that false and cowardly delicacy which prevented Gentlemen from advancing questions which they deemed of paramount importance, lest they should offend existing prejudices. He thought it was the duty of every Member of that House, if he had a great truth to advance, that he should face prejudice; doubly was it the duty of every Member who was the leader, of a party; and trebly of him who was at once both the leader of a party and the Minister of the Crown. He had no doubt, if the right hon. Baronet brought forward any proposition which would settle a great question, and would appeal to the people of this country, that he would be supported. All the right hon. Baronet would have to do would be, what public men did not seem to think they had the power of doing, to create public opinion instead of following it; to lead the public instead of always lagging after and watching others. They heard a great deal of Reform Associations, of Anti-corn Law Leagues, Roman Catholic and Repeal Associations, Birmingham Unions, and other combinations of that kind; now, those things were merely the consequence of the people taking the Government of the country into their own hands, because the Government would not administer matters themselves. Opinions were afloat, the public mind was agitated, and no one who was in authority came forward to lead the people; as the natural consequence of such neglect they coalesced together and carried their own crude notions into effect; because nothing was clearer than this—that if the Government did not lead the people the people would drive the Government. The time was gone by when a Minister could with safety substitute the fulfilment of the duties of office for the performance of the functions of Government. With regard to the immediate question before the House, he (Mr. Disraeli) could not vote for the noble Lord, for this most explicit and frank reason—that he did not see that the noble Lord offered more than Her Majesty's Ministers. They offered a great deal for them, for men who did not pretend to offer much. But for the noble Lord who made a most spirited and animated speech, and in that truly heroic vein which always distinguished him when fighting against odds—what did he offer? The noble Lord offered a little thing in a great way. That was not what he wished. He wanted to see a public man come forward and say what the Irish question was. One said it was a physical question; another, a spiritual. Now, it was the absence of the aristocracy; then the absence of railroads. It was the Pope one day; potatoes the next. Let them consider Ireland as they would any other country similarly situated, in their closets. Then they would see a teeming population, which with reference to the cultivated soil, was denser to the square mile than that of China; created solely by agriculture, with none of those sources of wealth which are developed with civilization; and sustained consequently upon the lowest conceivable diet, so that in case of failure they had no other means of subsistence upon which they could fall back. That dense population in extreme distress inhabited an island where there was an established church which was not their church; and a territorial aristocracy, the richest of whom lived in distant capitals. Thus they had a starving population, an absentee aristocracy, and an alien Church, and, in addition, the weakest executive in the world. That was the Irish question. Well, then, what would hon. Gentlemen say if they were reading of a country in that position? They would say at once, "The remedy is revolution." But the Irish could not have a revolution; and why? Because Ireland was connected with another and a more powerful country. Then what was the consequence? The connexion with England thus became the cause of the present state of Ireland. If the connexion with England prevented a revolution, and a revolution were the only remedy, England logically was in the odious position of being the cause of all the misery in Ireland. What then, was the duty of an English Minister? To effect by his policy all those changes which a revolution would do by force. That was the Irish question in its integrity. It was quite evident to effect that we must have an executive in Ireland which should bear a much nearer relation to the leading classes and characters of the country than it did at present. There must be a much more comprehensive executive, and, then, having produced order, the rest was a question of time. There was no possible way by which the physical condition of the people could be improved by act of Parliament. The moment they had a strong executive, a just

administration, and ecclesiastical equality, they would have order in Ireland, and the improvement of the physical condition of the people would follow—not very rapidly, perhaps, and they must not flatter themselves that it would—but what were fifty years even in the history of a nation? But he would say, if these recommendations were adopted, that in fifty years hence the men who should succeed the present generation in Parliament would find the people of Ireland a contented and thriving peasantry. He did not believe that this object would be carried by the personage whom the hon. Member for Belfast called Louis Philippe, meaning, he supposed, the King of France. He looked to no foreign, no illegitimate influences for bringing about that result—not to the passions of the Irish people, not to the machinations of their demagogues, not to the intrigues of distant nations, but to a power far more influential, far more benignant—a power more recently risen in the world, not yet sufficiently recognized — [Mr. *Ward*: "What Young England?"] — No, not Young England, but a power which young England respects—that irresistible law of our modern civilization which has decreed that the system which cannot bear discussion is doomed.

Mr. *Ward* observed, that the hon. Gentleman who had just sat down, had made a most ingenious speech, which he could not pretend to follow, for the House had nothing to do with the hon. Member's regrets for occasional differences with his leaders, or with his definition of the old Tory principles. It was enough for them to deal with Tory principles as they found them. Another reason for not following the hon. Gentleman was, that he did not pretend to understand that which was unintelligible. He was in the habit of saying exactly what he meant, and he never was ashamed of his want of power of comprehension, when shared, as it must be in this instance, by a large number of those who sat around him. He would not, therefore, go into the singular theories propounded by the hon. Gentleman, or pretend to reconcile the hopes that he entertained of the speedy settlement of the Irish question, with the recent declarations made by his leaders. The hon. Member talked of an equality to be established, by some unexplained means, between the two Churches of Ireland, yet the right hon. Baronet, the Secretary of State for the Home Department, had told them, that they had nothing to expect, since the one Church was to be maintained in all its integrity. The hon. Gentleman had referred them to 1636, as a time when Protestants and Catholics lived together in harmony, until disturbed by the rebellion of 1641, not against the Protestant King, but against his rebellious Parliament. Why, that very rebellion was caused by the confiscation of the Northern provinces of Ireland, on the plea of religion, by James I., and the ejection of the native population. He would, however, leave the theories of the hon. Gentleman, and come to the Motion of his noble Friend near him, though it was a fruitless, and even somewhat invidious task for a Member of the Minority to take part in such a debate as this, knowing that it must lead to a foregone conclusion. From the moment that right hon. Gentleman opposite had patched up their differences with their agricultural supporters, however good might be the Motion, and however irresistible the arguments by which it was supported, the struggle became hopeless, and the result inevitable. Gentlemen opposite had signed and sealed a formal compact, which delivered the country into the hands of the Ministry for the next three years. But a man must not shrink from expressing his opinions, because they were not palatable to the House of Commons. The tribunal they had to appeal to, was public opinion, and the only way for a Minority to triumph, was to keep those opinions, which they believed and felt to be true, constantly before the public. In the present instance, if "words were things," as Lord Byron said they ought to be, there was no substantial difference between the two sides of the House, as to their objects. There was, apparently, a perfect unanimity of feeling between them. The Member for Cavan told them, that his object was "present peace and future security." "Domestic peace was the one thing wanted," said the Recorder of Dublin, and his hon. Friend, the Member for Waterford, agreed with him, that all private, and personal, and party feeling, ought to be offered up on the altar of their country. The Secretary for the Home Department assured them, that there was not the slightest idea of holding Ireland permanently by means of military occupation;—that a hold must be gained upon the affec-

tions of the Irish people. These were very pretty phrases, but he liked facts better than phrases, and when he looked to facts, he found that Ireland now, and for some time back, had been held neither by good feeling, nor affection, but by a new law of conspiracy, and by military occupation. They had 21,000 soldiers in Ireland, instead of 14,000, which they had six years ago. There was not the slightest chance that Lord de Grey could do that, with the increased military force, which Lord Fortescue was able to do with the smaller force, namely, to spare four, or five, regiments if wanted, for the suppression of disturbances in other parts of the Empire. They had, too, a fleet on the coast of Ireland—it was not a commercial fleet—it was not one that indicated an increase in the trade, or an addition to the commerce of Ireland; no, but it was one which proclaimed to all Europe, that they could not trust their Irish subjects. The Right hon. Baronet the Secretary for the Home Department had said, last year, that the state of Ireland, was most perilous,—that it affected their position in the scale of nations—and yet, after six months additional consideration, they had a Government unable to suggest any remedy. But then they were told not to fear for there were remedies—both prospective and immediate. The immediate remedies they all knew of;—they were Barracks, Steamers, Garrisons in every part of the country, and military communications kept up between them. They had, too, the conviction of the hon. Member for Cork, obtained, to say the least of it, under very questionable circumstances. No man had been more opposed to the hon. and learned Member for Cork on one question than himself. No one had more strongly expressed his opinion in opposition to that learned Member; but, at the same time he could not but see that the hon. Gentleman had been made the victim of a law, of the very existence of which no man was aware until the termination of the Irish trials. He had read the whole of that trial. He had read the indictment, the speeches, the charge of Chief Justice Pennefather, and he could only say, that if the law laid down on that occasion, were the Law of England, there was not a single man, he cared not on which side of the House he sat, who had taken an active part in the settlement of great questions, during the last ten years, who was not clearly, and unequivocally, a Conspirator. He did not see how any men out of that House could express an opinion upon any public question without coming under some one of the Counts in the Irish indictment. He was quite sure of this, that under every one of them the right hon. Baronet, the Secretary for the Home Department, and the noble Lord the Secretary for the Colonies, might have been tried and convicted. Those individuals, because they had changed sides in that House, ought not to forget the part which they had acted on a former occasion. The right hon. Gentleman ought not to forget the struggle for the Reform Bill. He had no doubt that the right hon. Gentleman had conceived that a great National object was then to be gained, and that every thing might be risked by those who took part in obtaining it. But, might not a similar feeling actuate Irish Members, and the Irish people, when refused by that House the redress of admitted grievances? There could be no doubt, that the Reform Bill was carried by means, which might be regarded as next door to a Revolution. His noble Friend, near him (Lord John Russell) had seemed so to consider it, when he used the expression, that "the country could not bear a revolution every year." In that Revolution the right hon. Baronet, and the noble Lord opposite (Lord Stanley) had borne a conspicuous part, and there was not the least doubt that, in 1831, they might have been indicted for "promoting discontent and dissatisfaction amongst different classes of the King's subjects"—for it would not matter, whether they were Whigs or Tories, or Englishmen or Irishmen. The Indictment against Mr. O'Connell would have included every step taken for two years by the party that carried the Reform Bill. The right hon. Baronet might tell him that, he was at that time a Member of His Majesty's Government, and that a Minister, bringing forward a great Public Measure, could not reasonably be called a Conspirator. But let not the right hon. Baronet forget the interregnum of 1832. Let him not forget what had occurred at the time Lord Lyndhurst had been sent for by His Majesty, to form a Conservative Ministry. Above all, let not the noble Lord, the Secretary for the Colonies, pretend to forget the part, which he had taken on that occasion. Never, he believed, in the annals of the country,

had stronger words been used by any public man, than those employed at that crisis by the noble Lord. Let, he said, the noble Lord remember his words at the meeting at Brookes's, when there were three hundred Members present; when the noble Lord said distinctly — it was public, it was notorious at the time—

"The King might choose a new Ministry; but Lord Grey's Government had done its duty, in bringing forward the Reform Bill, and now he left the Duke of Wellington to take, if he pleased, place and infamy."

And, when these things had been done by the Gentlemen now in power, within the recollection of everybody, were they to talk of "convicted conspirators," or to hold up their hands in horror when they heard of others who had been found guilty of a "conspiracy," forgetting that there was not, according to the new Irish law, a man amongst them, who was not a conspirator, who had taken part at a public meeting to carry the Reform Bill? If, every thing they had done for months had been lumped together in 1832, and if with their own acts they had been made responsible for what others had said and done and written, at a time of universal excitement and agitation, then there was not one man there who was not a conspirator. The noble Lord who had told the Duke of Wellington "he might, if he pleased, take place and infamy," was clearly a conspirator, and he did not think that the right hon. Baronet, the Secretary for the Home Department would be in a better situation. They had heard in that House from the present Member for Birmingham, that when the deputation from Birmingham came to London after one of their monster meetings, which helped to raise them to power, they were much gratified with the result of the interview they had with the right hon. Gentleman, who was now the peculiar guardian of the law and peace of this country. And yet that right hon. Gentleman had the other night, with a vehemence which he thought he must in cooler moments regret, denounced the conduct of Mr. O'Connell; he had refused to concur in the just, and generous, eulogium, which the noble Lord the Member for London had pronounced upon that Gentleman. For what had been Mr. O'Connell's conduct in 1836, 1838, and 1842? In one of these years Mr. O'Connell had risked his popularity, and even his life, in the stand he made against the Dublin Combinators; whilst in the others, every man acquainted with the condition of the Manufacturing districts, must know that if Mr. O'Connell had raised his little finger, the Chartists would have been joined by the whole of the Irish population in those districts. That population had been kept quiet solely by the influence of Mr. O'Connell. There was no one could deny that he had done great service on that occasion, and yet the right hon. Gentleman had construed it into a proof that there had been a more deep-laid conspiracy than they had anticipated. The right hon. Gentleman was, he thought, the very last man in that House who should hold such language; particularly when he looked to 1831, and remembered that he was himself brought into power upon the shoulders of Mr. Attwood; and had once admitted, in answer to the noble Lord near him, that his conduct as a member of the voting party at that time, went to the very verge of legality. The right hon. Gentleman had, to be sure, been very cautious himself, he had always been a sort of Embryo Home Secretary. He had been cautious; but he profited by the incaution of others. The noble Lord the Secretary for the Colonies also profited by it. They were carried into office—the one into the Admiralty, and the other into the Secretaryship of Ireland, by means of the Agitation that was then going on. He might be told that there was no direct appeal to physical force on that occasion, but there was at least that which the hon. Member for Waterford said of the Orange Society, "there was moral force based upon physical organization." There could be no doubt but that the great Birmingham Meeting had a direct influence in carrying the Reform Bill of 1831. They had heard so much of late of Mullaghmast, and other multitudinous assemblies in Ireland, that they had almost forgotten what had taken place in their own country ten years ago. If they looked back to what then had happened in England, they would find that the Irish agitation was, after all, but a milk and water affair. There was in it nothing like that stern resolution, on which they had based the first Reform Government. Here, for instance, was an account of a meeting at Birmingham, which he took from the *The Times* newspaper:—"On the 4th of October, 1831, an enormous multitude of people from the whole of the Midland counties assembled. Mr.

Attwood presided, and his first words were these" How much did Mullaghmast and Tara fall short of such a solemnity!—

"Mr. Attwood: I am about to ask you to cry out the words 'God bless the King.' I therefore desire that you will all take off your hats, and that you will look up to heaven where the just God rules both heaven and earth, and that you will cry out with one heart, one voice, 'God bless the King'"

The *Times* itself says—

"The spectacle which here presented itself was beautiful, and magnificently sublime. Every head was uncovered, every face was turned up to heaven, and at one moment one hundred thousand voices responded to the cry of 'God bless the King.'"

That was a burst of loyalty; but he was afraid it would be found not to last very long. Here was the speech of Mr. Hayne's at the meeting. Mr. Haynes stated this:—

"I agree that the power of the people is greatest, not when it strikes, but when it holds in awe; not when the blow is actually struck, but when it is suspended. As Manlius said to the Roman people, *Ostendite bellum, pacem habetis,* so I say to you—Show that you can fight, and you will never be under the necessity of fighting. As Mr. Attwood had said, the Leviathan is hooked by the nose, and with 1,500,000 men at the foot of New Hall Hill to hold the rope, Leviathan could not escape."

Speaking of the House of Lords, he said,—

"Now, their dynasty is nodding to its fall, the hand-writing has appeared against them, they have been weighed and found wanting, and if they do not speedily give to us that which is our own, it will be taken from them, Are you aware, my countrymen, we are met to the number of 150,000 to petition the Lords to pass the bill. The question has been frequently asked, will the Lords pass the bill? I answer that question by proposing another—Dare they refuse it? Can the Peers refuse the bill, because their trust is in the Army?"

Here was the point so much relied upon in Ireland. Mr. Haynes thus continued:—

"No! they cannot have an army to fight for them, without pay; and if the people refuse to pay taxes, how will that army be paid? Supposing the people foolish enough to pay taxes to pay such an army, where is the army to be found? Would the gallant men who have reaped immortal honours in foreign lands, consent to tarnish those honours by murdering their wives, their friends, and relatives. To support the tyranny of 400 men over 16,000,000, would they embrue their swords in the blood of their countrymen? There is not a town or village, nor even a hamlet, which has not contributed one or more brave men, to fill up the ranks of our army; and will these men, at the call of boroughmongers, come forth to shed the blood of their relatives upon their fathers' graves?"

Undoubtedly every man who profited by proceedings and language like this, might, according to the new law, be charged as a conspirator. He (Mr. Ward) was himself one who had taken part in that agitation, though he had profited nothing by it; but the noble Lord who now sat opposite, as well as the right hon. Gentleman, who profited directly by it, were as much conspirators as any one whom they had lately prosecuted. He would give them, not a jury of illiterate Dublin partizans, but a jury of their own colleagues, with the hon. and gallant Member for Lincoln, or the right hon. the Secretary-at-war, for foreman—that right hon. Gentleman, who, on a memorable occasion during the contests on the Reform Bill, when the guns were heard firing which announced the approach of the King to prorogue Parliament, said, that "the next time those guns were loaded, there should be shot in them." Now, with the benefit of a jury so composed—the Irish Attorney General to draw the indictment, and a suitable charge from a Chief Justice Pennefather, he would undertake to say, that the noble Lord, and the right hon. Baronet, if they had been put on their trial for conspiracy, would assuredly have been convicted and shut up in Newgate. The noble Lord and the right hon. Baronet might think, perhaps, that success, threw a halo round these proceedings, which they now said were illegal; and they kindly warned him and other incipient conspirators, that they had found a mode of preventing their repetition. The law forbade others to follow their example. The Anti-Corn-law League met, as the right hon. Baronet said, in a public theatre, but this was no safeguard against the charge of conspiracy. *On conspire sur la place publique* was the maxim of the right hon. Baronet, quoting some observations of Madame de Staël, and he was very much afraid that if the Government, who had sacrificed so many of their abstract principles to conciliate on commercial matters their supporters—who, to say the truth, had proved them-

selves rather insubordinate—were to go on in this principle of conciliation, they might come at last to sacrifice the abstract principle of public liberty, rather than lose their majority. The principle of the sliding scale seemed to be so universally prevalent on the opposite benches, that it really appeared to him, if the same course were to be pursued in regard to their general policy as had marked that with their agricultural friends, there remained no security for the constitutional rights of Englishmen. Only take what the right hon. Baronet had said the other night, in connection with the opinions of many of his avowed supporters, and see what it would lead to. Take, for instance, the declarations of the agriculturists of Hertfordshire, the county in which he resided. There was a meeting of these gentlemen held at St. Albans on the 2d of February, when some very strong opinions were expressed, some of which he would beg to read to the House. One gentleman (Mr. Hale) did not scruple to denounce "The Anti-Corn-Law League as, as foul a conspiracy (the very words of the Attorney-general for Ireland) as ever was recorded in history, or threatened the destruction of any country." Lord Essex, also, who had shown himself a very enthusiastic supporter of the Government since their last declaration on the subject of the Corn-laws, but who had been a little shaky before,—Lord Essex said that the League was "the most cunning, unscrupulous, knavish, pestilent body of men that ever plagued this or any other Country." Lord Salisbury, the Conservative Lord Lieutenant of Middlesex, said, that it was "one of the most atrocious combinations ever formed in this country." There was one of the hon. Members for the County, too, who had never opened his mouth since he came amongst them, but still he could assure the House, who might have adopted a different impression of the hon. Gentleman's character from this circumstance, that there was not a Gentleman within these walls half so ferocious, or so formidable at a County meeting. That hon. Gentleman, in addressing this meeting, holding the League Circulars in his hand, said, that they were "a compound of hypocrisy, malignity, and blasphemy." That the League was a "blasphemous body," and as such, ought, of course, to be taken notice of by the Secretary-of-State for the Home Department. Now, however safe the hon. Member for Stockport might conceive himself to be, he would have the hon. Member beware of the danger that threatened him; for if he were to be tried by a jury of such squires as these,—if every man connected with any other interest were to be struck off it, as the Catholics had been in Dublin,—and if the learned English Attorney-General could but bring himself to forsake those principles of fairness and liberality, which characterised all his proceedings, to the same extent as his Irish colleague had done, he undertook to say, that they would have the pleasure of seeing not only Mr. O'Connell, but Mr. Cobden shut up as a Conspirator. [*Laughter.*] It might amuse the House to treat these things in a jocular manner; but he should be alarmed at the prospect before them, if he were not perfectly sure that even if they could find a Judge in this country capable of performing the functions performed by the Judge on the other side of the Channel and an Attorney-General to frame an indictment, as had been said in the case of the conspirators of Ireland, "against a whole people"—they could never get a jury to convict on such evidence. This led him to a more serious question, and, in touching upon it, he must warn Gentlemen opposite to be cautious how they gave the rein to their prejudices and inclinations, in this matter. Where, he would ask, was the real conspiracy? Where was the root of that combination, which was over-riding the Government, pillaging the people, and degrading the Crown itself, by making the Queen of England rather the servant of an Oligarchy, than the dispenser of equal laws amongst all classes of Her subjects? Here, in this House, was the real conspiracy. Here, in this very House, thanks to the spirit which Gentlemen sitting on the Ministerial benches, had fostered when in opposition, and which by a sort of retributive justice was now forcing them to rest their power upon monopoly and starvation in England, and in Ireland upon religious feuds and military occupation. Yes, they had got their majority. It had brought them into office under certain conditions, but so strong was that majority that it actually went beyond them, and persisted in dragging them after it, in spite of all resistance, placing them in the same dilemma as the Chambre Introuvable placed Louis XVIII., which

was said to be, "*Plus Royaliste que le Roi.*" Now to return to the case of Ireland. He gave the noble Lord the Secretary for Ireland full credit for sincerity when he declared that, "In or out of office, he never would consent to any measure, which he did not feel convinced, would promote the happiness, and advance the prosperity of the people of Ireland." No doubt the noble Lord meant well; but he was rendered unable to carry any efficient remedial measure by the trammels of the party to which he belonged. He was compelled to consult the deep-rooted prejudices of that party, and the consequence was, that all he could attempt to do were half measures, as insignificant in themselves as his intentions doubtless were excellent. This was why they had the old system over again; imperfect grants, and comprehensive theories; things good in the abstract, but worthless practically. This was the system which Mr. Grattan deprecated in 1793, when he said,—"It only inflames, it cannot satisfy." And Mr. Burke, in the same year observed, "It would be no great boon to the Catholics to obtain a capacity for everything, and the enjoyment of nothing." Yet such was the policy then pursued, and still pursued by the party opposite in regard to Ireland. Every concession of the Legislature was neutralised by the spirit in which the law had been administered. The capacity to hold office was conferred upon the Catholics in 1793, but for thirty years this boon was suffered to remain as a dead letter upon the Statute Book; the first appointment of a Catholic to office having been made under Lord Wellesley's Government, in 1822: and with regard to Corporations, they had been kept hermetically sealed against the Catholics, till the year 1840. And yet in the face of facts like these, they heard Gentlemen complain, that the Catholics of Ireland were less grateful for what was given them, than irritated at what was withheld. No wonder they should be so, when they contrasted what was pretended to be done, and what was done practically. The present state of things was an exact repetition of what was going on in the unhappy period of 1793-5. The recall of Earl Fitzwilliam in 1795, found a parallel in the spirit, which dictated the declaration of the right hon. Baronet opposite, that "concession to the Catholics of Ireland had reached its utmost limits." The arrival of Earl Fitzwilliam in Ireland was hailed as the harbinger of a more just and liberal policy based upon the enjoyment of equal rights without religious distinctions. But how long was that nobleman allowed to remain? Only three months. He went there in January, and was recalled in March. He would not impute to Mr. Pitt and the Government of that day, a design so cold blooded and atrocious, as to have deliberately sent over this popular nobleman for the mere purpose of recalling him, with a view of provoking that Rebellion which was to be made the stepping stone to the Union; but then, as now, the moral responsibility attached to those "who held out the cup of hope to a generous, and confiding people, and then dashed it from their lips." At that period, as at present, Ireland was disturbed but loyal. Reform and Emancipation were loudly demanded, and if they had been conceded, he firmly believed they would have satisfied the great bulk of the people. Some few, perhaps, there were, who were tainted with Jacobinical principles imbibed from the leaders of the French democratic party; but the mass was sound at the heart; and it was not until the recall of Lord Fitzwilliam that that torrent of calamities commenced which preceded the Act of Union. Arms bills, Insurrection Acts, the suspension of the Habeas Corpus Act, and the establishment of military government, following in frightful rapidity. Discontent then became so general, that the best names in Ireland, and her brightest ornaments, Grattan, Curran, and the Ponsonbys were tainted with the charge of disloyalty, because they could not but reprobate the conduct of the Government.

"Every good man" says Sampson, in his quaint memoirs, "was in some degree rebellious; some more, some less; each according to the warmth of his heart, the firmness of his mind, his compassion, his honesty, perhaps his ambition, or his interest. It is only for Him, who searches all hearts, to know the pangs which a conscientious man, in such a state of things, must feel, particularly one, whose connections, intimacies, and youthful habits, lie on the one side, whilst the voice of reason, and humanity, and the instinctive horror of oppression and cruelty, call him to the other."

We might hear of these things over again. Honest intentions were compatible with the most unfortunate results. What could the noble Lord the Secretary

for Ireland hope to do, when he had staring him in the face, the declaration of his official superior, that "the limits of concession and conciliation had been reached already."? Here was the determination again reiterated to concede nothing, or at any rate nothing that bore upon the main cause of the complaint. The Church question was now what the question of Emancipation was, at the close of the last century. And the Church question meant the Fifth Article of the Act of Union. This was what they were really disputing about, and upon which the right hon. Baronet the Home Secretary had declared his opinion in that very debate by saying, "The Protestants of England had decided in favour of a Protestant Church; the choice made at the Reformation was confirmed at the Revolution, sealed by the Act of Settlement, and ratified by the Act of Union. It was the firmest foundation of our liberties." His (Mr. Ward's) opinion was, that the Fifth Article of the Act of Union, and the Church which it maintained, were the great obstacles to union of any kind—the bane, and curse, of both countries. The noble Lord the Secretary for Ireland said, that he was willing to give Ireland all the good things which she was susceptible of receiving. What did he think of a little religious equality—the most important benefit that she could possibly enjoy? The present state of feeling of the people of Ireland was foreseen by the right hon. Baronet at the head of the Government, in the year 1817, when he said, that if the Catholics had the same nature and passions as himself, they would use their political power to get rid of a Church which was forced upon them. Human nature, and human passions were now at work amongst increasing numbers, intelligence, and property. That was the cause of all our differences. Horace Walpole asked in his Correspondence, "Why cannot we see the history of our own times, with the same impartiality with which we read it.?" He put the same question to the right hon. Baronet. The right hon. Baronet could exactly foresee, in 1817, the position, which the country would be in in 1844, but now he refused to recognise in it the fulfilment of his own predictions. He repeated that he considered the Fifth Article of the Union the real bar to the possibility of its continuance. Old feelings and just feelings were enlisted against it. It cast a stigma upon the Catholic population, and added insult to injury. The Catholics felt it so. [Lord *Stanley*: Do they feel the same about the Act of Settlement?] No doubt they did originally. [Lord *Stanley*: Hear, Hear!] Did the noble Lord mean to say that the Catholics gained anything by the Act of Settlement? What would have been the feelings of the people of England if a Catholic Sovereign had been forced upon them? The first fruits of the Act of Settlement were the penal laws against the Catholics, the confiscation of their estates, and the degradation of their Clergy. In illustration of this observation, he would beg to read a few extracts from a very clever pamphlet, of which he would only say that he was not the author, though some persons had done him the honour to attribute it to him. The pamphlet was entitled, "Remarks by a Junior, to his Senior," on an Article in the *Edinburgh Review*, on the State of Ireland. It contained copies of a correspondence between Catholic clergymen and Protestant landowners in Ireland, which had been preserved in some of the Colleges abroad, and which had every appearance of being authentic; and it afforded a most curious picture of the degrading manner in which the Catholic clergy of Ireland were treated at the latter end of the last century. The hon. Gentleman then read the following letters from the pamphlet mentioned:—

"1766.

"Sir—I will draw my turf on Monday morning. Tell all the cars of the parish to be early at the bog, my own tenants in particular. Give this out at your Chapel, and show your good will in your language. J. S.

"To Priest Daly."

"1774.

"Sir—Some of your damned rascals stole my pointer bitch; give her out in your Chapel after Mass, and I will expect her on Monday morning.

"Yours, &c., P. D."

"1780.

"Sir—I hear you prevented Kitty Connor from kneeling at the front rail of your altar, and treated her with disrespect in my regard. I will have you to know that I will protect her, and level your Mass-house, if you, or yours, offend her; mind this.

"F. C."

The next was a little more respectful in its style of address.

"1780.

"Reverend Sir—My lady is shocked with

the dirty, naked beggars that crowd round the Castle, and the cries of the children, that fret, and torment her. His Lordship bid me tell you, he will quit the place if you don't keep them at home.

"Your servant,
"J. Turner."

"N.B. Your Reverence may mention that there are two wicked dogs in the yard."

"Sir—I will let out my stallion at 16s. 4d. a l—p, as the enclosed will shew. I will thank you to speak in his favour after Mass to the people. Both you and they can now shew your gratitude to me and mine.

"Your servant,
"W. F."

The writer of the pamphlet went on to say—

"What must have been the feelings of the educated gentleman, if he consented to degrade himself and his ministry, by making the house of God the place for expatiating on the merits of the horse, or the dog, of his Protestant master? Is it surprising (although it is much to be regretted) that some Chapels have since become the scene of denunciation against the class, who degraded religion when unprotected by the laws."

These observations in his opinion were perfectly just, and had a clear bearing on the Church question. The remembrance of abuses of a century's growth were not to be eradicated by mere lip service, or any professions of toleration. With respect to the Church question, he had trespassed too long already upon the time of the House to pretend to go into a detail of his views upon the subject; and having done so at such length last year, it would be the less necessary and the less pardonable in him to take up their time with a repetition of his former statements. But he thought he had some reason to congratulate himself upon the progress which his opinions had made since last year. He believed he might say, indeed, that extreme as his opinions were once considered, he was now one of the most moderate men in the House, upon Irish Church matters. The *Edinburgh Review* had adopted his views, upon many essential points, such as the substitution of the Congregational, for the Territorial system, and he thought he might rank the noble Lord the Member for London, and the noble Lord the Member for Sunderland, amongst his disciples. He was wrong, however, in applying this term to that noble Lord, for he was always known to entertain very strong opinions upon this subject, though prevented from expressing them as freely as he (Mr. Ward) had done, by the restraints of Office. The noble Lord the Member for Sunderland had now proposed three plans. The first was to transpose the whole system, as it now existed, between Protestant, and Catholic; and to transfer the Establishment from the former to the latter. This he thought would be a very equitable plan, in all its bearings, even to the sending of the Catholic Bishops into the House of Lords. The second plan was to pay all Sects;—the third, which he much preferred, was to pay nobody. This was the principle which would probably prevail eventually in Ireland; for when he looked to the state of the Seceders in Scotland, and of the Dissenters in England, with these large bodies to deal with, he did not see how the principle of perfect equality could be carried out, unless by devoting the whole of the Church Property to purposes connected with education, and leaving the Clergy of the several sects to be supported by their respective flocks, reserving of course vested interests. Last year, he incurred some blame for some statements he had made in regard to the amount of property enjoyed by the Members of the Episcopal Bench in Ireland. He had since obtained a return of probate taken out upon the estates of eleven Irish Bishops, which fully had borne out all he had said. By this return it appeared that the gross amount of the fortunes left by eleven Irish Bishops within the last thirty or forty years was 1,875,000*l*. He confessed, however, that he did not see any hope of the settlement of this question, whilst the Gentlemen on the other side of the House were in power. The learned Recorder for Dublin, whose amiable blindness, and unconscious selfishness, had been made very remarkable by the speech which he delivered last night, said, that all he wanted was, "domestic peace founded upon religious truth." But, then, it was to be religious truth according to his own definition. The learned Recorder thought, that the Church question ought not to be further agitated, because it disturbed his peace of mind! The question was, however, what was truth? Every body knew its source, but where was the standard of it? Did the right hon. Gentleman command a monopoly of that article? If the right hon. Gentleman thought to tranquillise the population of such an Empire as this, by undertaking to define the truth, and

to prove himself right by act of Parliament, he must be a most mistaken man, more fitted for a place in Bedlam than this House. Unfortunately the Union with Ireland was framed in precisely this spirit. The framers of that act might have taken advantage of the wiser and more conciliatory principles of Union laid down by Messrs. Jay, Maddison, and Hamilton, on the occasion of the remodelling of the Federal Constitution of America. The United States at one time were threatened with a Repeal of the Union, from the impossibility of adjusting conflicting interests between the States and Federal Governments. Fortunately this evil was averted; and the Philadelphia Convention placed the relations of this mighty republic upon a safe and lasting basis. Why should we not have a Philadelphia Convention for Ireland also? As a remarkable lesson to Legislators on Ireland, he would beg to read the words of Mr. Maddison on this subject:—

"Hearken not to the unnatural voice, which tells you that the people of America, knit together as they are by so many chords of affection, can no longer live together as Members of the same family; can no longer continue the mutual guardians of their mutual happiness; can no longer be fellow-citizens of one great, respectable, and flourishing empire. Hearken not to the voice, which petulantly tells you, that the form of Government recommended for your adoption is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what it is impossible to accomplish. No, my countrymen, shut your ears against this unhallowed language. Shut your hearts against the poison which it conveys. The kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defence of their sacred rights, consecrate their union, and excite horror at the idea of their becoming aliens, rivals, enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties, the most wild of all projects, the most rash of all attempts, is that of rending us in pieces, in order to preserve our liberties, and promote our happiness."

In the sentiments there expressed, he (Mr. Ward) agreed, but to be justified in holding them forth to the people of Ireland, they must be prepared to concede more than they had yet done, and to revise, if necessary, the Irish Union. As to the assertions that they had no power to revise that Union, why Mr. Pitt expressly reserved such a power at the passing of the Union Act, more especially in regard to the fifth article. Mr. Pitt said it was proper to reserve the power of revising that article, which referred to the Established Church; and unless they had that power, and were prepared to exercise it when necessary, the compact which had been entered into with the people of Ireland was fraudulent, and had been fraudulently obtained, and it was open for them to say they had never yet received an equivalent for what they surrendered. He had heard the charge of faction brought against those who should support the Motion of the noble Lord. Now, for himself, he could safely say, that he had not always followed the noble Lord in the days of his power, but he followed him now because he believed the principles of Government which the right hon. Baronet the Secretary for the Home Department, had laid down, must lead, if adhered to, to the destruction of this Empire. "We may tide over a few months, or years, without coming to actual collision with Ireland; but let the first cloud arise elsewhere—let our political connections with the Continent be disturbed or overshadowed, and instead of finding Ireland our right arm of support, we shall find there our most dangerous enemies. The struggle now going on in Ireland is but the continuance of that, which existed up to the end of the last century. We tried to stop it then by measures, which we can never again resort to. The improved morality of the country forbids it. I have been following out that fearful period of Irish history, and have seen England, in asserting her supremacy, wading through seas of blood, and violating every principle of Constitutional liberty. I have seen the whole Empire exposed to the most inconceivable calamities:—the two Parliaments and the two people arrayed against each other;—motions made here, denounced in Ireland as seditious, and acts in Ireland defended here, which makes the blood run cold to think of.—Such was the conduct of the English Government in times past. We know that Mr. Fox's name was struck out of the Privy Council by the King himself, partly because he opposed his Irish policy; and yet after all was done—after the No-Popery cry had been raised—after the Rebellion had taken place, and many thousands of lives, and many millions of money, had been sacrificed, we saw the party opposite when in power, doing, (in 1829, that very thing, which, if done thirty years before, would have

averted all those calamities. Let me express, without any party feeling, or any reference to what may be the numbers in this division, my earnest hope that the right hon. Baronet (Sir R. Peel), profiting by his own experience—for he was one of those who rose to power by, I will not say the "No-Popery," but the Protestant, cry, and he, nevertheless, was the man who carried Catholic Emancipation—that he will spare this country, and Ireland, the necessity of risking the recurrence of similar evils; that he will take advantage of that devoted loyalty which still, without doubt, pervades the great body of the Irish people, however much they feel the Act of Union a grievance;—and that instead of using his power to provoke that, which he may avert, he will reflect deeply on the responsibility, which attaches to him as a Minister, and a man, and by conceding that, which may now be conceded with honour, secure the peace, and integrity, of the Empire."

Colonel *Conolly* observed, that the hon. Gentleman who had just down had represented the Act of Settlement as a grievance in Ireland. Now, it was his opinion, that unless they adhered to that Act there would be no security for life or property in that country. The party opposite assumed too much to themselves when they supposed that they alone represented the feelings and opinions of the Irish people, and that those who sat on that (the Ministerial) side of the House, and who were connected with Ireland, had no knowledge, no idea, of the circumstances of the country, and could, therefore, offer no opinion upon the subject. The noble Lord (Lord J. Russell) was under the most egregious misapprehension as to the feelings of the Irish people, if he imagined that he enjoyed their confidence, or was at all trusted by them. Why, what had the noble Lord done for Ireland? With all the opportunities he and his party had had, not the shadow of a shade of any measure of redress for any of the existing evils of that country had they suggested. He was as anxious as any man to consider and redress any real evil that might exist; but he could not bring himself to think that the noble Lord or his party could fairly rejoice in the possession of that large amount of Irish popularity which they claimed, and which, according to them, nobody had any right to enjoy but themselves. With regard to the number of troops in Ireland, that circumstance had been brought forward as a proof of the determination to govern the country by military rule: the hon. Gentleman opposite must be aware that the troops had been sent to Ireland as a precautionary measure, and to avert the consequences which might have resulted from the crisis which had arrived. What was the proposition which noble Lords and hon. Gentlemen opposite, in their love of justice and impartiality, suggested? It was neither more nor less than the annihilation of the Church Establishment. The Protestant Establishment of Ireland was to be swept away from the face of the earth. That was the project of the noble Lord the Member for Sunderland last night. The Established Clergy and the Protestant population of Ireland were to be divested of their religion and everything else. The party opposite, in their determination to carry out their peculiar notions of just and equal principles, would deprive the Protestants of all justice. He was sure the Irish people were too sensible of the benefits they derived from the Protestant Established Church to desire any such change as that suggested. It had surprised him to hear the noble Lord say, that the large body of the Protestant and Presbyterian party in Ireland, amounting as the noble Lord said to about a million, but as he believed, to nearer two millions, must submit to injustice and spoliation, such as had hardly characterized the thirty years' European war. He was certainly astonished at the noble Lord's effrontery who had held the reins of Government for so many years, and now proposed an alienation of Ireland from England. Why were not the wrongs of which they now heard so much redressed while the noble Lord was in office? The noble Lord remained in power long enough to have redressed those grievances, and much longer than a great many persons thought he ought. The official career of the noble Lord, marked as it was by an insatiable love of change, had gone far to shake the security of life and property in Ireland. It was to the late Cabinet they owed the unnatural warfare of the lower against the higher classes; the landlords were always held up by the party opposite as objects for the hostility of the lower classes, and this it was that had produced much of the discontent and much of the suffering existing in Ireland. The large landed proprietors were not obnoxious to the asper-

sions cast upon them. The Poor-law had been referred to, and without doubt that law was very unpopular in many parts of Ireland. His opinion was, that in that law was to be found the germ of much that was good, and in the end it would confer a real and substantial benefit to the independent poor. He admitted the noble Lord opposite (Lord John Russell) was the author of that Bill, and he gave the noble Lord credit for it; but as the noble Lord had not enumerated that in his list of Irish grievances, and as it was in a great degree unpopular, he thought the noble Lord ought not to throw off his share of the unpopularity. What he wished to see in Ireland was a Government upholding the law, and with nothing else would he be satisfied: and he should fail in his duty if he neglected to express the great satisfaction he felt at the conviction which had recently taken place, as showing the re-establishment of law over violence, and the authority of the Executive maintained in putting down a mischievous and dangerous system of agitation. This he knew was the prevailing opinion in the county of Tyrone. The noble Lord's administration had been under the dictation of the same agitation which the present Government had had the honesty and the boldness to repress in a legal manner. If he (Colonel Conolly) remembered aright, the noble Lord's name was, to a certain extent, coupled with a certain Coercion Act, and though he had voted for that Act he did not pretend to possess that confidence of the people of Ireland which the noble Lord claimed. He did not wish to say anything disrespectful of the noble Lord, but was anxious to disabuse his mind as to the amount of popularity the noble Lord supposed he possessed. Among the many classes in Ireland who execrated the late Government, none did so more heartily than the host of disappointed expectants of office—for though the noble Lord had given away a very large dose of official patronage, still there were many hungry applicants who had not been let into the pantry at all. Some had taken damned good care of themselves by getting into lucrative offices for life, *quámdiu se bene gesserint;* but the noble Lord's Government was not so popular with the multitude of expectants who remained hungry and unsatisfied when the noble Lord left office. The noble Lord, in making up his budget of grievances, told old and hackneyed stories to exasperate the Irish people. The noble Lord had raked up old stories, which had been denied and refuted. ["*No, no.*] Why, it had been disclaimed in that House by Mr. Bradshaw, against whom it was charged, that there was not any truth in the report to which the noble Lord had referred, for the purpose of showing that the present Government had not the confidence of the people of Ireland, and therefore could not govern them. Did the noble Lord suppose he would obtain the confidence of that people, or allay the irritation, by raking up old stories? He did not in every respect defend the present Government, but he must say that he would balance their popularity, and the amount of confidence reposed in them by the people of Ireland, with respect to the steps which they had lately so successfully, so constitutionally, so legitimately undertaken to put down agitation, against the amount of confidence won by the noble Lord opposite by means of his Coercion Bill.

Mr. Sergeant *Murphy* thought that the observations of the hon. and gallant Colonel, as far as they related to the noble Lord near him, would be productive of no injury to the noble Lord. For his own part, he thanked the noble Lord for the manly expression of feeling which he had lately given utterance to, as respected Ireland. He might safely contrast that statement with the imputations of the hon. and gallant Colonel, and leave the country to draw its own conclusions for or against the noble Lord. In addressing himself to the question of the late State Trials in Ireland, he must be allowed to express what he most sincerely felt—his regret at the absence of the right hon. and learned Gentleman the Attorney-general for Ireland. He regretted it, because it had been his duty, on a former occasion, to animadvert on some portions of the conduct of the right hon. and learned Gentleman; and because he felt that, having done so, and it being now his intention to make allusion to certain other portions of that conduct, he should have been glad that the right hon. and learned Gentleman had been present in his place, to explain and defend if possible that which he was about to attack. With regard to these late trials in Ireland, he thought that something like a review of those trials, conceived in a spirit of calmness and impartiality, would show that—as far as regarded the manner of conducting them on the part of the Irish Attorney-

general—that manner was not characterised by a tone and temper which a great and important occasion demanded, and which the question to be then decided fairly and reasonably required. He could not but recollect that there was about the right hon. and learned Gentleman's demeanour, from the time of the commencement of the trials, a degree of captiousness in refusing the most just and obvious facility to the traversers. This feeling was displayed, not only when Mr. O'Connell had absented himself for a short time from the Court for the purpose, as it was stated, of attending a meeting of the Repeal Association, but every morning when any little causes of delay had prevented one or other of the traversers from being present. On these occasions the Attorney-general had stopped the proceedings, and called on the Court to animadvert upon these casual absences, no matter what the reason might have been. Such conduct he considered by no means suitable to the great and important question then submitted to the consideration of the Court. He had animadverted upon this conduct, and he repeated that animadversion; but he begged to say, that as it appeared by a report of what he had stated on the occasion alluded to, that he had extended his strictures to the opening speech of the right hon. and learned person in question, that in this respect he had been misunderstood. He took the earliest opportunity of correcting the mistake, and of stating that, considering the magnitude of the interests involved, the speech had been one of a comprehensive character, and marked by a fair and impartial tone. With respect to the main question—it was not because he felt that he could throw any novelty into it, but because he represented a great constituency, who took the deepest interest in the trials, that he did feel it to be his duty to represent to the House what he believed to be the misconduct of her Majesty's Government as to the delay which they had allowed in instituting prosecutions if a breach of the law actually took place. He thought that if the House would recollect the historical facts connected with this agitation that they would see that that delay was one which, upon the showing of Government itself, had risked the peace of Ireland. It would be in the recollection of the House that, upon the 9th of May last, a question was asked in this House by the noble Lord the Member for Lynn Regis, in which he called the attention of the right hon. Baronet at the head of the Government to the then existing state of disaffection in Ireland. A simultaneous question, to the same effect, was also put to a noble Duke in the other House. It was stated then, by both noble Lords who had put the question, representing as they did that deep Protestant feeling which the noble Colonel opposite also represented—that her Majesty's Government seemed to be folding their arms in supine indifference to what was going on in Ireland—that the Queen's power and authority had been defied in speeches made there—that sedition was spreading throughout the length and breadth of the land, and that Government had not seen fit to interpose. The right hon. Baronet opposite had then made a most authoritative declaration. He made a declaration of his determination to maintain the Union, of his intention to suppress the meetings then taking place, and that they were calculated to do much mischief. But the Lord Chancellor went still further, for he, not content with stating his feelings of reprobation in respect to these meetings, actually went the length of saying that at that time they had assumed the character of illegality, and had risen to that magnitude, as demonstrations of physical force, which would render them liable to an indictment. Taking those statements as his foundation, he would ask, what had been the cause of the delay which had taken place? He asked if it was the intention of Government—inasmuch as the doctrine laid down by the Lord Chancellor of England had been in some measure controverted by the Lord Chancellor of Ireland—he asked whether it was the wish of Government that the persons who had embarked in these proceedings should be lured into a still further violation of the law? Was it that the right hon. Baronet opposite intended to entrap one individual—one of the chiefest difficulties of his government in Ireland? That was a charge which had been made against the Government. It could not be said that there had been any difficulty about the illegality of these meetings, although it had been said by the Irish law officers that it was difficult to discover the motives with which the parties acted. It was strange if that was the difficulty in the way, when we recollect the statements of the right hon. Baronet at the head of the Home Department on the first night of this debate. He then said, addressing this side of the House—

"Do not hug yourselves with the notion that it is owing to our coming into power that

these meetings had arisen? Do you not recollect the great meetings for the same object which took place in 1840 and 1841?"

Could it be said, with his statement as to the nature of the meetings in 1841, that there was the least doubt of the character of later meetings? Could it be said that any circumstances which happened between the 9th of May and October, 1843, had altered the character of these assemblages—that there was anything different in their nature? The fact was, that if the right hon. Baronet had looked to the charge which had been delivered by the Chief Justice, it was quite out of the question that he could doubt that he had acted as if his object had not been to secure the peace and tranquillity of Ireland, but, by crowding together the unguarded expressions of a man, through a space extending over nine months—to point the proceedings directly against that man. The Chief Justice had stated most distinctly, that when these meetings were so assembled, when Mr. O'Connell made the declaration that the Queen, accompanied by any one man, had a right to summon a Parliament, that at that moment he was guilty of sedition. If this was so, then Government was in this position. Their attention was called to the state of Ireland—exhibiting, as it was stated by their own law officers it did, circumstances amounting to sedition. Yet they looked on, with folded arms, from May to October, and they allowed that sedition to go on which the Chief Justice had stated ought to have been put an end to. Perhaps if they had at once interfered with any one of these meetings, the subsequent proceedings would have exposed the difference of opinion between the two Chancellors. It might have been said—How can you lay an indictment for a peaceable meeting? No; it appeared as if the Government were anxious to bring seven or eight men into connection in order that they might make use of the most hateful form of indictment which the law recognised, under which they might include the unguarded acts and words of men extending over a considerable period, upon which to found a charge of conspiracy. What was the evidence adduced? It extended over a period of many months. Here, then, was a conspiracy in which there was no secrecy—one which was perfectly public, perfectly peaceable, and one of which no one feared any evil results. If it be true that the parties proceeded against were conspirators, when that declaration was made, and the Government must have conceived that they were by including in the indictment acts extending back to that period—then the Government themselves might equally be called conspirators, for they did nothing to prevent the progress of the alleged conspiracy. But what occurred when the Government did move? What had arisen then to give the proceedings another character? The noble Lord the Secretary for Ireland, and the right hon. Baronet at the head of the Home Department had stated that there had been some proclamation issued at the time in question, which seemed to savour of military organization. It appeared that some person of the name of Morgan had issued the proclamation in question. But the document was disclaimed by those from whom it professed to emanate. It was shown that it had been put forward by a person not having the least semblance of authority to take any such step; and when brought under the notice of the Repeal Association, it was pointedly disclaimed. But what occurred besides? The meeting was to take place on a Sunday, and, to show the mighty dread which the citizens of Dublin entertained of the result of the proceeding, an intimation was made to Mr. O'Connell, to the effect that if it took place at a certain hour, it would disturb the observance of divine worship; and the time of the meeting was, in consequence of this intimation, postponed. Now, he asked, what were the circumstances of the meeting? He asked any one who heard him, to say whether, if the same principle which had actuated Government during the proceedings—whether if the same theory of reasoning up from acts to motives was to be made use of with reference to the issuers of the Clontarf proclamation—a very grave charge might not be made against the Government? It would be in the recollection of the House, that the Attorney-general, when he stated the case against the traversers, had said that peace was the great feature of the meetings. He stated that if the meetings had not been peaceable, the fact would have been incompatible with the attainment of the object in view. He had stated that if peace and order did not prevail, the agitation would fail in intimidating Government; and yet with this staring Government in the face—with this admission staring them in the face, a proclamation went forth on the afternoon of Saturday, and troops were poured towards

the place of the intended meeting. Now, what was the object of congregating these troops, except it was that the people, going to attend the peaceable meeting, finding themselves interfered with by the troops, might have been irritated to something like collision with the military, and that bloodshed might have ensued. He repeated it, that if conduct was to be judged of by ascending from overt acts to innate intentions, could there be any doubt, that when the Attorney-general stated it was inconsistent with the object of the meeting that it should be anything but peaceable, that a construction, similar to that which he had alluded to, would be put upon the conduct of Government by the Irish people. He now came to circumstances which happened in the course of the trials themselves. He should not go over the ground of the exclusion of Roman Catholics from the jury list. He would only say, and he thought that the House would agree with him, that the circumstance had a double aspect as regarded Ireland. It had an aspect this way —it demonstrated to the country that no Roman Catholic in Ireland could be indicted for any offence, tending, in the slightest degree, towards a political nature, and, at the same time, have a jury perfectly fair and impartial in its construction. The second aspect was, that having indicted certain men who were found guilty, and were now waiting for judgment, the question arose as to what would be the moral effect of that conviction? Would it be said, that it carried with it the same moral weight which it would bear, supposing that the tried parties had been submitted to the arbitement of a different jury? The right hon. Baronet at the head of the Home Department had made use, in the way of illustration, of a supposed case of trespass in fox-hunting, and had asked if the parties so prosecuted should be tried by a jury of fox-hunters? But that, he contended, was not a parallel case to the one to which it had been intended to apply. Look to Mr. O'Connell; was not he a person who, for forty years, had in every way struggled to restore his fellow-countrymen to that equality with Englishmen which he believed to be their right? He knew that he was hated by many for the part which he had thus played. He was quite aware of that, and he stood before them on that occasion to be tried upon an indictment for conspiracy. He did not stand in the same condition as a foreigner being tried in this country, who could have at least one half of the jury composed of foreigners. But he was placed before a jury composed of twelve Protestants; and let it be recollected what were the observations of the leading Dublin papers, after the selection of the jury. Why, it was stated in the *Dublin Evening Packet*, that they had now a fair flock of twenty-four, with only one black sheep amongst them, but that his presence would not mar the result. There was also one of the jury of the name of Thompson, who had stated that at all hazards the Union must be preserved, and the Repeal agitation put down, and who had evidently prejudged the case. He asked whether the verdict agreed to by such a man was likely to produce a great moral weight in Ireland. He told the right hon. Baronet opposite that when he used the illustration of an action for trespass against fox-hunters, that he ought rather to have likened the late trials to the case of a man, a reputed poacher, being tried before a jury selected from a bench of justices. As soon as the constitution of the jury was known in Dublin, it was pronounced in certain circles that it was a good Protestant jury. What was likely to be the result of a verdict pronounced by such a jury? What weight would it carry? He answered, in his opinion none. Even in this country, remote as it was from the scene of action, when people came to speak of the late proceedings, they generally said that the trial was alien from those fair principles which regulated trial by jury; that, in fact, it was an abrogation of that right of the British subject. But to what classes of society had the late proceedings introduced the consideration of the question of Repeal? Before they took place, it was generally conceived as entertained only by people called by some of the Tory newspapers "untutored savages" by people who were incapable of forming rational opinions upon the subject. The aristocracy derided it—the country laughed at it—people saw in it nothing but an interested agitation, carried on for the benefit of one individual. It was said that it was addressed to a brute multitude, incapable of reasoning upon its merits. What, then, supposing such was the case, was the act of the Government? Did they leave the discussion to these classes of society—did they leave it to the discussion of people incapable of understanding it? On the contrary, they brought it into the courts of justice. The question was no longer addressed to savage multitudes. It was propounded under circumstances the most peculiar, in

the solemn arena of a court of justice, by men of high and transcendant talent; men not confined to one political party, by men who had raised on that occasion a great degree of admiration for their talents and their eloquence in this country. It was propounded in such a manner, and with such an effect, that a member of the Irish bar had actually stated, that although he came into court with a firm adhesion to the propriety of the maintenance of the Union, though he still remained of the same opinion, and meant to remain of the same opinion, yet that he should find, after what he had heard in favour of the Repeal of the Union, much more difficulty than before in getting arguments against it. Such was the statement made by a counsel, and were such exhibitions calculated to allay the effects of the agitation—thus bringing the subject into such a narrow focus, and concentrating upon it such talent, calculated to allay the effects of the agitation? He would now come to another circumstance relating to the manner in which the trial had been conducted. The question, after many days' discussion, came to be summed up by the Chief-Justice. Now he did say this, that living as he did in this country—practising as he did in the courts of this country—much as he respected this country, its institutions, its industry, and all that had raised it to its present condition—he believed that there was nothing which elevated it so high in the scale of its own self-respect, or in that of other nations, than the fairness of the way in which justice was here administered. Now what were the circumstances of the summing up in question. He had read it, and he believed conscientiously, that great as was the merit of the Irish Solicitor-general, admirable as had been his reply, comprehensive in its nature and precise in its details, yet that still the Chief Justice's charge was a better speech against the traversers. And why was it so? because it was the necessity of the Solicitor-general in presenting the facts of the case to array in antagonism one set of facts against another. But the Chief Justice had vaulted out of that sort of antagonism, taking only one class of facts—confining himself only to a one-sided view of the question—summing up, in fact, any circumstance which could bear against the traversers—adding even his petty sneer about the pet meeting of the Rev. Mr. Tierney, ridiculing the notion of Mr. O'Connell and her Majesty walking along to open an Irish Parliament—but never once noticing a fact in favour of the traversers, never once alluding to facts upon which they relied for their defence. He had even tried to throw ridicule upon the system of arbitration, recommended by Mr. O'Connell, by the way in which he compared it to the system adopted by the Quakers. Now, in one of the counts of the indictment, the traversers were charged with endeavouring to bring the regular courts of justice into contempt; but he did say that the undignified partiality and partizanship of the Chief Justice more tended to accomplish that end than anything which the traversers had ever done. Neither was he singular in that opinion. Even the Tory press, in its endeavours to bring the traversers within the scope of the arm of law, admitted the fact—the Tory press, which seemed to direct the efforts of its party, after it had been roused from its quiescent state, confessed that they wished that the Chief Justice's charge had been delivered less in the spirit of a partizan. Could it be believed that on such an occasion, when a man was placed at the bar, who, whether for right or for wrong, was to have arrayed against him the acts of his whole political life—for his acts had been discussed from the time of the rebellion in 1798, down to a recent explosion—or rather to the explosion prevented by him—would it be believed, that although he had arrested that explosion—that although he had stood, as it were, betwixt life and death, the fact had never been brought forward—had never been alluded to by the Chief Justice? Was it likely that trials conducted in the way these had been would produce a moral effect; beginning, as they had, with the captiousness of the Attorney-general, proceeding with the peculiar mode adopted in selecting the jury, and ending with the summing up of the Chief Justice? Could such a trial, he repeated, have a moral effect in England? could it allay irritation in Ireland? Would it have the effect of putting down the Repeal agitation? He answered decidedly in the negative. He believed that the mere fact of Mr. O'Connell to whom his countrymen were so devoted, being under the ban of the law, would have the effect of continuing the excitement; but when he was brought under the ban of the law in a way not consistent with the principles of justice, he did say, that so far from allaying the agitation, that such a proceeding was more likely to raise a species of sour discontent, which only waited an opportunity to break forth. But the Go-

vernment promised the people a boon—the cravings of the national appetite were to be satisfied with a commission! Of the results of the Commission they had as yet heard nothing, though it was high time that it presented some report. [*A Laugh.*] They might laugh, but for a great disease the remedy must be speedy, and he should like to know what was to become of Ireland, if they were to wait till August for the Commission to report? The franchise, too, was to be altered. Why, he could scarcely preserve his countenance when he talked of this intended alteration of the franchise, and at the same time observed the noble lord (Lord Stanley) sitting in the place of a minister of the Crown; but, speaking of the ministers, the most happy man of them all was clearly the English Attorney-general. Where is the Attorney-general for England, continued the hon. and learned gentleman? He is not wont to slumber on his post. Universal England is at peace under his paternal administration of the law. He has repressed Chartism without acrimony—he has repressed Welsh riots without ill temper. Still he slumbers on his post. Let him awake — Irish justice, for once, has taken the lead of her English sister. Look around you, Attorney-general of England. Conspiracy is stalking abroad through the length and breadth of the land. It has invaded the temple of the drama; the Corn-law League has superseded Shakspeare. All its features are fully developed. Multitudinous meetings—impassioned addresses to the assembled crowds to invite them to coerce the Government, and supersede the law and the calm deliberation of the cabinet. Moneys are collected—not the paltry six-pences that swell the Repeal rent—but one hundred thousand pounds in two months, and one hundred thousand more if it is required. Pause not there — this is no constructive conspiracy—it requires not the finesse of the law to give it existence. The conspirators themselves have spoken out. They have drawn a graphic picture of their secret deliberations. Already the country recognises in their boastings the humble room at Manchester, where the seven arch conspirators concerted their scheme. No newspaper proprietor who takes the venture of trade upon coincidence of opinions, which he publishes as a mercantile speculation, need be dragged by implication into the net. The task is easier still—they have a newspaper of their own. But pause, the conspiracy is incomplete without a song. Search the columns of contemporary journals. Here are the graphic and spirit-stiring lines—

> "Oh, God, that bread should be so dear,
> And flesh and blood so cheap."

See if Mr. Cobden quotes these lines. He does. Then the conspiracy is complete, and the editor of *Punch* stands revealed as a conspirator. But pause — you have not got your jury. Go into the agricultural districts—pack a jury of stanch Anti-Anti Corn-Law Leaguers. Employ the hon. Member for Knaresborough as your jury summoner; he knows the true anti-free-trade leaven. Do not forget the man who proposed to duck Mr. Cobden at Lincoln. Challenge your jury, and then challenge the counsel. But wait—you are not yet secure of your conviction—you know that one of the favorite schemes for the amelioration of Ireland is an interchange of Judges with this country. Exchange Chief Justices. The conviction is certain. But no, the declaration against the Repeal of the Union is for all time—the declaration against free-trade is but for one session Is this an exaggerated picture—as a professional man I am jealous of the honest administration of the law. I am jealous of it when the humblest man stands at the bar. I am deeply jealous of it, when the foremost man of his day—the impersonation of a whole people—stands at your bar. True it is that he is now convicted; true it is that the splendour of his achievements may dazzle the ignoble minds incapable of estimating the magnitude of his views. Posterity will do his motives justice—"extinctus amabitur idem." But he is not to look alone to the tardy recognition of posterity: seven millions of people—universal Europe and America—recognise his present glory, and inscribe on the pedestal where-ever he stands—

> "Præsenti tibi maturos largimur honores."

Mr. *B. Escott* said, it had been stated by a right hon. Gentleman in the course of this debate that this was the crisis in the affairs of Ireland. Often in his own comparatively brief experience had he heard the same thing stated, till the term had lost something of its terrors, but from what had passed in this debate he considered that a sort of crisis had now really arrived. The noble Lord the Member for London had stated plainly and distinctly that if his motion were carried the effect of it would be the dismissal of the present

Government and the substitution of another. He could not disguise from himself or the House any more than others who had spoken that evening that he was a party man, but if he thought that the carrying of this motion at the present crisis would tend to the improvement of Ireland, to the healing of its unhappy divisions, and thereby to the prosperity of the people and the strengthening of the British Empire, he would throw aside such considerations of party and vote for the motion of the noble Lord; and, notwithstanding the remarks in which the noble Lord indulged on the majority in that House, it was his sincere conviction that if the noble Lord had proved to the satisfaction of independent and reasoning men that carrying his motion would have that effect, he would have commanded a majority, and would soon be in office to carry into effect the principles he advocated. But to show that the motion would not have that effect he intreated the House to indulge him for a few moments whilst he endeavoured to state the case which the noble Lord had made for a Committee, and the plan he proposed for remedying the grievances of Ireland. He heard the speech of the noble Lord with feelings almost of dismay, when he recollected the position which the noble Lord had occupied in the country. If the motion could by possibility be carried, and the noble Lord should return to power, the principles he had announced in that speech would scatter dismay and confusion throughout every part of the United Kingdom. The noble Lord, a former Secretary of State for the Home Department, consumed nearly an hour in that House, in doing every thing that in him lay, and that was not a little to bring into contempt and to villify the legal tribunals of the country. He commenced by an attack, not on the legal tribunals of Ireland, but upon the First Judge of England. Let not the House suppose he was going to be guilty of the bad taste of setting himself up to defend such a man as the Lord Chancellor of England; he wanted no defender, but it occurred to him, that if that learned Judge was to be attacked for some casual expression which the noble Lord quoted, and which had been going the round of every Radical newspaper and meeting ever since it was uttered, the noble Lord might have recollected that there was once a Secretary of State for the Home Department who, in the energy of his zeal for the party then in power, thought it not unbecoming his dignity to call the voice of a majority of the House of Lords, "the whisper of a faction." But the noble Lord went on, and the next Judge he thought fit to villify was one who had just been presiding on the trials lately concluded. He did not contest with the noble Lord or with any other hon. Member the perfect right that any Member of that House had in fairness to find fault with any unconstitutional proceeding of a learned Judge, but he wanted to know what the corrupt charge was which the noble Lord had to bring against the Chief Justice of Ireland! He had heard none. He had heard a right hon. Gentleman on the previous night declare what it was he found fault with in that learned Judge, and he said it was not so much the learned Judge's words as his manner; but he denied that the House of Commons could be profitably occupied in debating on the manner of a Chief Justice in Ireland. Then, the great leader of the Whigs attacked the Jury, and, in doing so, he attacked trial by jury. He supposed that the jury meant a jury legally convened to try—if not legally convened, the verdict against Mr. O'Connell would be set aside. The question whether that Jury was a legal Jury or not was now before the tribunals of the country; and he thought that for the noble Lord, before that question was decided—having abstained from comment on the trials whilst they were pending to endeavour to run down the effect of the verdict, whilst it was the subject of litigation before the proper tribunals of the country, exhibited a feeling of party and a disregard to his own principles, not very likely to contribute to the due administration of justice. He remembered having read in a work of that great man, Mr. Erskine, a passage in which he said, that the chief bulwark of our liberties was trial by jury, and that a jury would never be safe or able to do their duty with effect, and to the benefit of the country, unless there were occasions on which they stepped in between those who maligned their verdicts, and said even to Parliaments themselves, "thus far shalt thou go and no farther." The policy of the recent prosecutions was a fair subject of debate in that House—the legal effect of the decision was a subject of consideration elsewhere. With respect to the policy he was astonished at the course the

noble Lord took. It was not a sufficient accusation against that policy to say that other persons were guilty of misdemeanour and yet they had not been indicted. But that was the argument of the noble Lord and of the hon. and learned Gentleman who had just spoken. It must be a subject of discretion whether persons guilty of such conduct were to be indicted or not; and if he was asked his opinion, he could not help thinking that not only was it not unconstitutional to prefer an indictment against those who were agitating Ireland, but that, so far from its affording any ground of despair to the Irish people, the first step in order to give them a chance of better legislation and that peace and contentment amongst themselves, which was the first remedy for their grievances, was to put down by law those who were agitating the country, and by agitation preventing the improvement of its laws and the bettering the condition of the people. He was also very much struck with the manner in which the noble Lord dwelt upon the fact of the delay which had taken place in those prosecutions. The noble Lord did not seem so much to argue that the prosecutions themselves were improper, as that they were not undertaken at the right moment; and over and over again he said, "You did not bring them for nine months after the meetings had been going on." It was not the prosecutions, but the time of gestation that offended him.

"Illi longa decem tulerint fastidia menses."

The strength of the noble Lord's argument was the charge of injustice to Ireland. If he had heard a single instance of injustice substantiated, if he had heard it brought home to the noble Lord, the Secretary for Ireland, or the right hon. Baronet, the Secretary for the Home Department, in any shape, the noble Lord should have had his vote; but two instances of injustice only had the noble Lord mentioned, and what were they? The appointment of two judges. But was it unjust to appoint those Judges because they expressed strong political opinions in their capacity of politicians, not as judges? And so the noble Lord, with extreme liberality, would make out a case of injustice to Ireland, because the Government had not prevented two gentlemen from attaining that rank in their profession which every one admitted they were entitled to, and why?—because, forsooth, they had been opposed in politics to the noble Lord. Then, upon the Church-question, the noble Lord said, "You have a Church in Ireland, established for 1,000,000 of persons, whereas the other 6,000,000 or 7,000,000 are of a totally different opinion, and that in itself is an injustice to Ireland." But one would have expected that the noble Lord's plan would have embraced a remedy for the evil. He had listened with the utmost attention to the noble Lord's statement, and the only new law, as far as he could discern, which the noble Lord proposed for this great grievance of Ireland, was, that the grant to Maynooth College should be doubled. That grant was now about 8,000*l.* or 10,000*l.* a-year, so that by a little payment of 8,000*l.* or 10,000*l.* more justice was to be done to her—Ireland, and all her clamours quieted. But, before going into this committee, would it not be well to recollect what the noble Lord, the Member for Sunderland, proposed as his plan for remedying the grievances of Ireland? There were three distinct parties in that House upon this Church-question—the party of the noble Lord, the Member for London—which he thought a very small one; the party of the hon. and learned Gentleman opposite (Mr. Roebuck), strengthened last night by a great accession; and the party of the Government. The party of the noble Lord proposes to grant 8,000*l.* to 10,000*l.* more to Maynooth. The hon. and learned Gentleman, and the noble Lord, the Member for Sunderland, propose, what indeed a great number of Irishmen—and Englishmen too—would consider a great boon to Ireland. He was happy, however, to think, that at that moment neither the hon. and learned Gentleman, nor his noble ally, had the slightest chance of carrying their intention into effect. But they represented a great and powerful party, and might in time do much more than even they now anticipated; and he would recommend the hon. and learned Gentleman, encouraged by the accession he had gained in the course of the previous night's debate, to turn his attention to the speech of the noble Lord, the Member for London, and see whether, before another debate took place on the

affairs of Ireland, he could not bring over the noble Lord as he had already won another. But he had not mentioned one proposition which was made by the noble Lord, and which was as important as any he had seen. The noble Lord had not spoken ten minntes before he said he took it for granted that they all meant to maintain the Union. He would tell the hon. Member for Bath, and the noble Lord, the Member for Sunderland, that they could not maintain the national compact of the Union, and at the same time destroy the Established Church. He supposed they would agree with him that the inhabitants of the United Kingdom ought to be represented in that House, but he could tell them that the people were not attached to those wild and revolutionary doctrines which they had embodied in a proposition for curing the grievances of Ireland. They wished for the improvement of Ireland, but he did not think, considering the unhappy condition of that country at present, that its amelioration was likely to be promoted by the clumsy proposal of destroying the Church Establishment. He had stated that there was a third party in the House, and that was the party of her Majesty's Ministers. He believed the course which that party were determined to pursue was to maintain the interests of the people by maintaining the laws and institutions by which they were governed to maintain the Church; not by arguing in support of its abuses and imperfections, but to render it still more valuable by additional improvements; and in that determination they would, he was convinced, be supported by the great majority of the English people. Until he had heard some measure proposed, not having reference, like those which they had heard from hon. Gentlemen opposite, to bygone years of some two or three centuries past, but really applicable to the present age and present necessities of the people, he thought the House would best consult the interests of those who had sent them there, by giving a decided negative to the motion of the noble Lord—a motion having for its object nothing that was intelligible, nothing that was practicable, and nothing that was even respectable enough to be called revolutionary.

Mr. *C. Buller:* It was not his intention, in the remarks which he was about to address to the House, to dwell on the exciting part of the subject, which he was perfectly content to leave as it now stood before the House. He was ready to leave the discussion of the trials, and the recent acts of the Government, to the speech of the noble Lord the Member for London, and the excellent speech delivered by the Member for Cork, a speech, which he thought, in the opinion of the country, would do full justice to the legal policy of the Government. Before he entered on the consideration of the general question, he must advert to two imputations thrown out in support of that novel application of the doctrine of conspiracy, which was to be brought to bear on Members on that side of the House, where, by putting together the half of one Member's sentence, and coupling it with the half of another's, a very formidable charge was made out, of meaning something of which neither the individuals said or intended. The first charge broached to-night was, that on the credit of the speech of the hon. Member for Sheffield, they (the Members on the Opposition side) were all to be charged with the intention to repeal the Act of Settlement. The noble Lord the Secretary for the Colonies had implied the imputation by a very significant cheer, but had not yet spoken on this subject; the House had only had the views of Government explained to them by the gallant Member for the county of Donegal (Colonel Conolly) who, he must take leave to say, had used very great pains to relieve himself from the weight of odium under which he supposed himself to labour on that side of the House. On the contrary, every man who came from Ireland said that he was a very worthy gentleman. He wished to relieve the gallant Officer of the alarm he seemed to feel on one point, and if in doing so he should startle the House by adopting one of the gallant Colonel's expletive phrases which he supposed he must regard as of a peculiarly Protestant complexion, it must be recollected the phrase was not his:—

"Non meus hic sermo est, sed quæ præcepit Ofellus
Rusticus, abnormis."

The gallant Colonel stated that they (the Opposition) wished to divest him of his religion. Why, he would not think of such a thing for the world; it was announced in the strongest language he had ever heard a religious man use, and he would not wish to deprive the gallant

Colonel of it for the world. But he supposed, to quote the peculiarly high church phraseology of the gallant Colonel, softening it for the ears of the House, he "would take d—d good care of that." But the gallant Colonel appeared to him to be needlessly timorous when he imagined that it was intended to do away with the Act passed to guard against the pretensions of the House of Stuart. All the Members of that house were dead, and he did not see what earthly object any human being could have in repealing it. Another charge which he must treat with more seriousness, because he well recollected the efficacy of it in former times, was that of an alliance with Mr. O'Connell. He would not flinch from that charge; he had generally, nay, almost invariably, voted with the hon. and learned Member on almost all Irish questions, excepting Repeal. He was not ashamed of having done so; he had voted with him in majorities when his aid was a powerful aid to the Liberal party, and he would not shrink from him now when the hon. and learned Member was under the weight of a Government prosecution. He would state here what he had stated on other occasions that he believed there was no man living who had done so much for his country as that hon. and learned Gentleman; and having him on one side, and the policy of his opponents on the other, he was not inclined to carp at every fault or indiscretion with which the hon. Member might be chargeable, but he would stand by him now that he was on the point of being consigned by Government to prison. He had always held the Irish question to be one, which it was treachery to the true interests of our country to discuss in public without a full statement of all the facts which force themselves on our earnest consideration as grounds for our opinions and actions. If there exist in Ireland such mischief as was not to be apprehended in this part of the Empire, the worst injury to our country is to conceal its extent or its nature. And, moreover, it was supremely ridiculous for us to be making a secret of that which all the world is talking of; to think that, by solemn grimaces and mysterious mutterings, we can keep mankind from knowing what no human being doubts but some of ourselves. He should speak, therefore, with perfect plainness; and he was sure that, as he had a right to take credit for the sincerity and earnest conviction that induced him to do so, he should get indulgence, even from those who might be startled by his touching on topics, which he admitted that, on ordinary occasions, was not prudent to make the subjects of public discussion. Besides which, they knew well that the tone in which he should speak was one far more in unison with public feeling than it used to be. They knew that the state of opinion with respect to Ireland was very much altered; that the people of England—that they themselves were beginning to feel that there was something serious in the state of that country; some real, deep-seated, organic mischief, which was not to be counteracted by temporary applications, or the old method of treatment; but which must be counteracted forthwith, if we hoped to maintain the peace and integrity of the Empire. They knew this; and they knew that before this increased sense of danger, many an ancient prejudice, that use to veil the truth and obscure our love of justice, is fading fast away; that our countrymen, instead of being startled with plain statements of the whole truth, are in a humour to be thankful to those who tell it, and still more thankful to those who will hold out to them the hope of any practical remedy, even though of a kind of which hitherto they have scrupled to entertain the suggestion. The real question is, how we are to deal with what is called the disaffection of the Irish people. He was sorry to use language at all in accordance with that of the Gentlemen opposite who represented the Orange party of Ireland; but he need hardly say that where he agreed with their statements of fact, he utterly repudiated the spirit in which they were made; but he found it impossible to doubt that the entire body of the Catholics of Ireland may be represented as, in a certain sense of the word, disaffected—not to the Crown, most assuredly, but to the go verning class, and to the institutions of the Empire of which they form a part. He owned he had no great difficulty in yielding belief to this most lamentable fact. We have always governed Ireland as if our object was to alienate the affections of the Irish Catholics, and he was prepared to find that we have succeeded. There was every evidence of such being the result. If he looked to the language of those whose speeches find favour with the

people, to the sentiments of those newspapers which have the greatest influence in Ireland, particularly the *Nation*, which was started only a twelvemonth ago, and which, as appears by Returns laid on the Table, had within six months from its origin a far larger circulation than any other Irish newspaper, and to every indication of the temper of large masses of the people congregated together; if he compared these accounts with such private information as he got from other sources, he was irresistibly brought to the conclusion, that from one end of the Catholic population of Ireland to the other, there exists a deep and settled alienation from the Empire of which they form a part. He was not speaking without consideration, or with any intentional exaggeration: but his firm opinion —an opinion from which, in private conversation with many persons of all parties, he had hardly met a dissentient—was, that that feeling of alienation is so strong, that nothing but simple fear keeps the great mass of the Irish people from breaking out into open violence. It is a frightful thing to believe that this terrible state of feeling exists among such a mass of our own people, to be constrained to believe that not less than one-fourth of the entire population of these two islands is as disaffected to our common government, as Lombardy to that of Austria, or as Poland to that of Russia. But it was impossible to doubt it when, in addition to all these direct proofs of the feelings of the people, it was seen that our Government retains its possession of Ireland solely by the means by which the Austrians and Russians hold Lombardy and Poland, namely, by the presence of an overwhelming military force. The impression which he avowed was one which the Ministry, by their own acts have forced on the public of this country. If they wished to remove this fearful impression from the public mind, it must be by producing such proofs of the real good disposition of the mass of the people of Ireland as shall show his own inferences from their public demonstrations to be unfounded. In the mean time, he must found his opinion on the evidence which was before the world; and he must, therefore, believe that the alienation of the Irish Catholics was not only strong and extensive, but very durable in its character. It is the alienation of religion and race. It is, in fact, a national alienation—that of Catholic Ireland from Protestant Britain. Its tendency obviously is to the end in which the hostility of natives living under the same government must eventually result. We, in fact, say that the real object of the Irish is entire separation, and the Irish themselves avow that they wish a partial separation from us. He must confess, that when he looked at the force of this hostile population, he was startled by the aspect of numbers and zeal concentrated under the direction of a single will, of a most perfect organization, and of great intelligence. The mere inert inorganic disaffection of a nation of six millions is in itself a terrible antagonist for any government. But the fact is, that in Ireland there exists, apart from, and hostile to, the regular government, a machinery of government wielding a more commanding influence over the people than is possessed by any regular government in the world. He knew of no rules on earth who possesses so strong a hold on the confidence of a people, who guides them with such perfect ease, as Mr. O'Connell. But his power does not rest solely on his personal influence and exertions. He governs his people by the agency of the most powerful priesthood in the world, By their aid, and by that of a most thorough organization of local leaders, he wields six millions as if they had but one body and one soul. He tells them when and whither to move; he tells them when to be still; and whether for action or inaction, he is alike obeyed. To any thinking man this uniform obedience, and the perfect quiet consequent on it, are the most formidable signs of the feeling and purpose of the Irish people. They break out into no partial riots; they evince no disposition to resort to arms; under the greatest provocation they are most tranquil; they seem, in fact, thoroughly to know the exact measure of their strength, and to be determined not to waste it, but to reserve it until they can strike with effect. This is the plain state of things in Ireland. There is a revolted people, calmly and resolutely waiting the time when to show its hostility to most purposes. In such a state of things, is it wisdom to keep the evil out of the sight of our countrymen, or to throw a veil over the certain results, instead of discussing the means of averting them? The policy of the Government is that of simple coercion. It has redressed no one of the

grievances of the people; but it has entrusted the whole Executive authority of the country to that minority which is execrated by the people. It removed from power those in whom the people confide; it covers the country with troops. Availing itself of the force at its disposal, it has seized the leaders of the people, who have thereupon been made liable to the penalties of a very questionable law, by a conviction procured by very questionable means. This is a policy calculated to repress any immediate movement—meant, but he felt assured not at all calculated, to produce the further effect of awing the people into abandoning all projects of future resistance. But it can have no effect in attaching them to you; it will certainly exasperate them more bitterly. Probably it will simply and greatly aggravate the existing evil. He trusted that Mr. O'Connell would be able to prevent any outbreak. As for the notion that coercive measures will in the slightest degree induce the Irish people to abandon the hope and project of ultimate success, that appeared to him a chimera. Depend upon it that they will go on, waiting for their opportunity with just as confident an assurance of success, and just as settled a conception of their plan as ever, ay, with tenfold rage in their hearts. He asked them as men with some power of calm consideration, amid the rage of their party warfare, he asked them seriously to consider in what must this end? The most favourable chance for the Government—he did not, indeed he did not mean, to charge them with desiring to bring it about—but undoubtedly the most favourable circumstance for their views would be a premature, unassisted insurrection, which the army would in all human probability crush with sanguinary severity, to be followed up by the rigours of the law, and the yet more terrible penalty of famine consummating the ravages of civil war. He believed that such an event, instead of establishing the security of your present system, would precipitate its downfall. For he felt convinced, that at the sight of such horrors the generous feelings of our countrymen would be called forth;—as in the case of Canada, the insurrection would be forgotten when they contemplated the severity of the punishment; they would at once recognise the enormity of the system which provoked such a result, and was upheld by such severity; and tardy compassion would sweep away the abuses which considerate justice might better remove without the intervention of calamity. But if such were not the result—if reconquered Ireland were to be kept by the sword, did they think they would have extinguished resentment, destroyed the bond of national hostility, or one whit improved their security in the contingency of foreign war? As long as Mr. O'Connell lives, and can keep the Irish people in hand, there is no chance either of armed insurrection, or of such general passive resistance to the law, as he fancied it would be very difficult for any force to repress. But we must look a little further for the real danger which may ultimately result from the continuance of a state of disaffection, committing itself by no outward acts, but not the less keeping immutable its stern resolve of vengeance. The contingency of a foreign war, was, he hoped, remote; but it is one which no wise man can safely omit from his consideration. Now, he asked, whether any rational man would venture to assert a confident belief, that even a foreign army landing in Ireland, in the present humour of the people, would not find the population friendly? He hoped he might be mistaken. Everybody knows that if the enemy had reason to court an opportunity of striking so deadly a blow, he would, whenever he judged it expedient, find it easy to land in Ireland any amount of force at his disposal, in spite of any obstacle that our navy could put in its way. But if we even entertain a doubt on such a subject, we are in fact secure of Ireland only as long as we can keep out of war? He rejoiced to know that we are at present on terms of cordial understanding with Foreign Powers, and so far he thoroughly approved of the policy of the present Government; though, he confessed it seemed that their disposition to concede much to Foreign Powers was too much connected with their determination to concede nothing to Ireland. But after all, the surest foundation of a good understanding between two countries is their mutual understanding of the imprudence of attacking each other; and he believed, that the present state of Ireland was more likely to bring us into collision with Foreign Powers than any other conceivable cause. Nothing could be more foolish than to rely on never going to war again, or to carry on a policy which must be produc-

tive of ruin and ignominy in the event of war breaking out. The risk is so horrible that no odds justify us in exposing ourselves to it; and common prudence tells us that we may much more easily and surely escape this danger by securing the good-will of Ireland than by relying on that of any Foreign Power. There can be no harm in speaking plainly about these matters; for he suggested to no one who could injure us, anything that is not perfectly well known. The state of Ireland is thoroughly appreciated by every foreign Minister in Europe: it is the theme of public discussion throughout America. He dared say Louis Philippe, simple as he is, has some inkling of it. As for the Irish themselves, he had but alluded to the tenth part of the contingencies and the plans of resistance which have been the topics of the Repeal newspapers—which have for twelve months been circulated all over Ireland, and which Her Majesty's Government have been so wise as to republish during the recent trials at Dublin. He did not see why those who cause, and who will have to provide against the danger, should be the only persons who are never to take it into account. He had spoken of the fearful risks to which the general disaffection of the Irish exposes us. Now look to the mischief which it actually does. It entails on us enormous expense. It imposes on us the necessity of constant deviations from the regular course of constitutional Government. But worse than all these things, it is the great obstacle to any improvement of the condition of the Irish people. The physical condition and turbulence of the Irish peasantry are the worst eye-sore of Europe. Intelligent travellers, who are conversant with the rest of Europe, assert without any dissentient voice, that the Irish are the most miserable people in all Europe. The existence of such a state of things is a scandal to our country. But nothing effectual really can be done by a Government for a disaffected people; we must attach them to us before they will allow us to improve their condition; and the great evil of the present state of feeling in Ireland is, that as long as it lasts nothing can be done for the material wants of its population. In endeavouring to impress on the House the existence and character of this general disaffection, he had said nothing to justify or palliate: or, on the other hand, to reprobate it: his purpose being simply to prevent that disaffection in the one practical point of view—as a great fact, not to be declaimed or doubted away, not to be unheeded, but which must be recognized as the basis of our Irish policy. It will not do now-a-days to lay the guilt of national disaffection on the culpable acts of agitators and demagogues. The world has pretty well made up its mind with Mr. Burke, that a people may be provoked, but never is instigated to revolt. If we wish to put an end to disaffection, it is not the agitator we must remove, but the grievance which supplies him with the discontent on which he works. And if this be our object, let us not be misled into confounding the real cause with the immediate object of the agitation. The Irish people demand Repeal of the Union as a remedy; but it would be absurd to say the Union is the grievance that has produced their present state of feeling. We are bound to listen to their complaints as guiding us to the grievance which makes them cry out. We must find it out, and must remove it; but we are by no means bound to remove it by applying a remedy which we deem inefficient or dangerous, or any remedy save that which deliberate thought teaches us to regard as the best. Now it seemed to him that no man could look in earnest for the cause—not of the misery of the Irish people, but of their disaffection to the Government — without seeeing that it is a religious grievance. That it must be so is clear from the fact that disaffection in Ireland is almost exactly co-extensive with the Catholic religion, that the Catholic priesthood, as a body, are the leaders of the disaffected; that the period of the present outbreak of disaffection is that of the triumph of the anti-Catholic party in the Imperial Government. And if he looked about him to see what there is in Ireland which the Irish Catholics must, and which they do in fact, regard as a grievance, he saw that which not only they, but all the world, declared to be the most intolerable outrage ever anywhere offered to the national and religious feelings of a nation—the ascendancy of the English Church. There is a notion among a certain school of politicians, that this is far too refined a point of honour to enter into the heads of the common people; and they who believe that the great mass of people are to be regarded as beasts, that must be happy while their bellies are filled, and who shut their eyes to the fact,

that in almost all cases, national revolts have had their immediate cause in some offence to the feelings, and not to the interests of the people—they are persons with whom he would not attempt to reason. Assuming the Irish people to have the common feelings of human nature, it seems incontestable that the ascendancy of the English Church has every feature of outrage to national feeling that can render insult most irritating and injurious. In the first place, it is a most glaring, palpable wrong. The existence of a Protestant Establishment in Ireland is so irreconcileable with every principle on which the connection of Church and State is ever defended by reasonable men, that it is clear as noon-day that we only impose it on the Irish, because we scorn their weakness and their feelings to that extent, that we think we may dispense with observing towards them the commonest rules of fair-dealing. On every rational principle on which we have heard a Church Establishment defended, if there be any Established Church in Ireland, it ought to be the Catholic Church. The business for which the Church Establishment of a country ought to exist, is that of providing for the religious wants of the majority of the people, and above all, of providing for those of the poor. Now, what have we done in Ireland, sacrilegious robbers as we are? We have plundered, we still plunder the many of that provision which was made for their religious wants, in order to create a sinecure Church for the few: we have deprived the poor man of his Church, in order to gorge the rapacity of the rich. Again, the dominant Church of Ireland is associated with the most horrible recollections that are attached to any existing institution in any one country in the world. Take not only the intensity of the persecution, but the numbers subjected to it the secondary evils that have resulted from it, and the period during which it has gone on, and he sincerely believed, that the policy pursued since the time of Elizabeth, of attempting to force the Protestant Church on the people of Ireland, has been the cause of a greater amount of human misery than any other that ever operated to the detriment of a nation. It is idle to think that the horror of these too true traditions has no influence even in the peasant's mind, and that to his mental vision the Anglican Church ever presents itself, except clouded with dark recollections of conquest, of confiscation, of massacre, of laws that made the exercise of his own religion penal, that set son against father, and that denounced unnameable barbarity against the honoured teachers of his own faith; exactions under which he himself has suffered, of bloodshed which he himself, perhaps, has witnessed. He spoke now solely of evils past: but is there a people in the world, possessing the gifts of speech and memory, that can ever look without abhorrence on the institution which has just ceased to be the direct agent of such mischief to him and his? But the truth is, that with every evil that the Irishman now suffers the existence of the present Church Establishment is directly connected either as cause or concomitant. You can, more or less, trace almost every evil of Ireland to the religious question. It is the original cause, undoubtedly, of the horrible state of the relations between rich and poor; it is the cause of the Catholic peasant having been left so entirely at the mercy of the Protestant landlord, without either law, custom, or feeling to protect him. It is the cause of the alienation of classes, of the perverted state of public opinion, of the political abuse of the powers of the Magistracy, and of the utter want of confidence felt in the entire administration of justice. In every relation of life the Catholic peasant feels that he is ill-used under the designation of Papist. Can you wonder that he hates the Church, for and in the name of which all this oppression is perpetrated? If these are the feelings which the ascendancy of the English Church must produce in the minds of peasants, what tenfold bitterness must it inspire into the Catholic gentleman, but yet more into the Catholic priest! He is cognizant of the glaring injustice to which his creed is subjected: he knows that that injustice is one to which there is no fellow in the world: he knows the lofty position which his Church occupies in the rest of the Christian world, and feels its humiliation at home—he is conversant with the horrors of the past—he estimates the whole connection between it and the existing evils of his country; and he feels the precariousness of his income, and the mortifying severity with which it has to be wrung from the needy. Has this man the common feelings of a man, and can you think he will ever acquiesce in this position of inferiority of

his own Church to that which he believes to be heretical, and he knows to be intrusive? He never will. The existence of this great wrong is the barrier which lies in the way of tranquillity and improvement in Ireland. While we continue to perpetrate this bold and wanton outrage on the first principles of justice and good sense, the people of Ireland never will—nay, never ought, to believe in our justice or good-will. While we keep the ascendancy of the English Church, we are heaping up difficulties. Remove this grievance, and give redress on the one or two minor points, such as the franchise, which are in effect Catholic grievances, and the way will be clear to govern Ireland quietly, and to take steps for improving the condition of the people. But the removal of religious inequality is the one essential preliminary to every project of good: and if we cannot get over the prejudices or party interests which forbid our doing that, we must make up our minds at once to abandon every hope of serving the people of Ireland. He could not, in justice to the Irish people, help asserting his belief, that however strong and general their resentment against us may now be, their deep sense of that equal justice which they have so rarely had—their known susceptibility of their gratitude would make such a concession decisive in attaching them fervently and enduringly to us. He had adopted from their adversaries a word, which they may think too harsh a designation for their state of feeling, even in the limited sense in which he had applied the term disaffection to them. He owed it to them, as well as to his argument, to show how very easily a small measure of justice may attach to a Government a people, who have shown most unequivocally a temporary disaffection; and he would take an instance of what had passed within a few years, in our own Empire. Every one recollected the Canadian insurrection of 1838, in which the whole French population of that colony took part. When he was in Canada, he found no one who pretended to doubt, that if a foreign army had made its appearance, it would have been hailed with joy, as an auxiliary in the cause of revolt. What, then, was done to conciliate the people of Canada, and bring them back to their allegiance? Lord Durham, in his report, made two recommendations. In consequence, the Union of the two provinces was carried, and responsible government was promised them. Lord Sydenham's administration, however, was not able to remove the discontent which prevailed, until the right hon. Baronet sent out Sir C. Bagot to conduct the government of the colony. Sir C. Bagot adopted the second recommendation of responsible government; that was, he admitted the heads of the French population to a share of power, and within six months that loyal population were offering up prayers in the churches for the health of the Governor who had granted this boon, and the prosperity of the mother country which ratified it. This was an instance of successful conciliation produced by the wise policy of the right hon. Baronet. Having seen the effect of conciliation on Canada, he recommended the Government to try the same course with respect to Ireland, and he was convinced it would succeed. He thought he ought now, to state how, in his opinion, the grievances might be dealt with. It was only by establishing a perfect religious equality in Ireland. There were two ways of doing that. He believed it would have been best for this country had Mr. Pitt been able to carry into effect the enlarged plan he conceived for the Union. Mr. Pitt desired first to emancipate the Catholics; secondly, to pay the Roman Catholic clergy, and thirdly, to effect the Union; but, unfortunately, the order of doing these things was reversed, and the Union was effected without the concomitants. He held, that had Mr. Pitt been able to carry out his whole scheme, Ireland would have been as well governed as any country in the world. The time for paying the Catholic Clesgy, was, however, now past. It was one of the Sybiline books irrevocably missing. The Irish Catholics now distrusted the spirit in which the offer was made; they believed, that the object was—as, indeed, it had been openly avowed—by buying the priesthood, to bribe off the leaders of the people. The proposal would now be rejected from one end of Ireland to the other; and he believed, if the Government were to carry it into effect without caring for the consent of the Irish Clergy, they would pay a costly price for an instrument which would not be of the slightest service; for were the Catholic Clergy now to take the pay of the State they would lose all hold upon the people,

and the Government would thus lose an instrument upon which we now must rely for the maintenance of any thing like order in Ireland. He feared, then, that that plan must be given up, and equality produced in another way. He believed it was not the actual amount of money paid to the Protestant Church that was objected to, but the position of dominancy and ascendancy that was maintained by that Church. If the Protestant Clergy were paid as the Presbyterians were, he believed, that the angry feeling would be appeased, because he did not think a change was desired for the purpose of getting at any part of the money, and he believed, too, that a perfect regard would be had by Catholics to all existing life interests. Take the whole property of the Church into the hands of the Government; pay the Clergy of that Church on the congregational principle, providing, not a clergyman for each parish, but just enough clergymen for the scattered Protestants of Ireland; apply the remainder of the revenues of the Church to the common purposes of the whole population, and he believed all would be done that was necessary to remove the present disaffection in Ireland. The right hon. Gentleman, the Recorder of Dublin, had objected to substituting the congregational for the territorial principle, because he said that it would divest the English Church in Ireland of the character of an Established Church, and reduce it to the position of a sect having no recognised superiority over others. It was because he himself thought it would do so that he considered it so desirable. It would at once divest the English Church of the character of a State Church; and as we could not, in Ireland, make the real Church of the people, the Church of the State, we must have no State Church. This is the first step to be taken. The physical condition of the people would, doubtless, not thereby be bettered, but their minds would then be inclined to give confidence and support to after-measures. The right hon. Baronet had begun at the wrong end, in supposing that by some alteration of the Law of Landlord and Tenant, he would effect a pacification, without also relieving spiritual grievances. Were religious grievances effaced, the welfare might be easily and speedily promoted of a country which only required justice to develope its resources. The Government relied on the majority at their back, and on those religious prejudices of the English people which have been so successfully appealed to. Still, even in that respect, the people of England had not been fairly dealt with. Put fairly before them, the monstrous iniquity that had been perpetrated upon the people of Ireland, and the progress of truth and justice must ultimately be successful. But certain he felt, that without establishing religious equality all their efforts to conciliate Ireland would be wholly useless, and would only form another disastrous chapter in the history of that injured country.

Lord *Stanley:* Sir, it is impossible to deny, and I feel no desire to deny to the noble Lord the Member for London, the credit of having made on this important subject, an able and very clever Opposition motion, and an able and clever Opposition speech; an able Opposition motion, because under the captivating form of a Committee for the purpose merely of inquiry, which the noble Lord well knows will most certainly be rejected—and, without that certainty, the noble Lord would never have ventured to bring it forward; but in the certainty of the rejection of his motion by the House, the noble Lord has created for himself a convenient opportunity for saying, "Look at the gross injustice of refusing the inquiry—behold the insults which this Government heap on the people of Ireland—a mere motion is made for an inquiry into the grievances of Ireland, and that motion is repelled by a contemptuous majority." Now, such is the language the noble Lord will hold, and such is the language that will be held, very probably already is held, and dinned into the people by his friends in Ireland. ["No, no."] The noble Lord knows too well to whom that language will be held in Ireland; and he knows that the form in which that motion is introduced, gives the greatest facility for the use of that language. The motion is a direct, a manifest, a palpable censure on Her Majesty's Government. It is so in intention, though it is not so in terms; and on this point I cannot help thinking, that it would have been more straightforward in the noble Lord, although perhaps not so politic, if he had not put his motion in that convenient form in which he casts blame on his political opponents for the grievances existing in Ireland, and at the same time avoids the necessity of suggesting any remedy for those grievances, or stating even an outline of the policy the noble Lord would himself adopt. Now I

do not go the length of the hon. Member who has just sat down in the view he takes of the case of Ireland; I do look at that country with a serious, an anxious, and with an earnest, and I will not be afraid to add with an apprehensive care. I do not, however, agree with the hon. and learned Gentleman — I do not believe the hon. and learned Gentleman really thinks that it cannot be doubted by any one, that if a foreign army were to land upon the soil of Ireland, they would find from a great part of the population a friendly reception. But if the hon. and learned Gentleman does think so, I, Sir, have a higher opinion of the loyalty and the good feeling of the people of Ireland than would appear to be entertained by the hon. and learned Gentleman. But if it be true, indeed, as the hon. and learned Gentleman says, that upon the first threat of war a great portion of the population of Ireland are ready to welcome the invasion of a force hostile to Great Britain —if, indeed, it be true, as the hon. and learned Gentleman has said, that Ireland is filled with not a disaffected but a revolted people—a revolted people calmly awaiting the moment when they may avow their hostility, banded together as one man under a leader, who rules them with absolute sway, whether for action or inaction, who, if it suit his ulterior purposes to tell them to be peaceable, are peaceable; but who, if he but raises his finger, are ready to break out into rebellion—if that be true, then I can conceive, at this moment when a most important prosecution has just terminated, and a conviction gained—then, I say, I can conceive, that for party objects the motion may be useful; but for great and national objects, I can conceive no course involving a more tremendous responsibility than that of men who have served the Crown, and who may hope again to serve the Crown, to come forward at this moment, when every popular prejudice is in a ferment in Ireland, when the popular feeling there is excited, as some hon. Gentlemen have told us, to almost madness, and assail by every species of misrepresentation, and thwart by every hostility, the course which, under such tremendous circumstances, has been taken by those who are charged with the safety of this great country. And what, Sir, has been that course? Has it been, as the hon. and learned Gentleman states must be the inevitable result of such a state of things as he has in such forcible terms described, a violation, a continual violation of constitutional principles? What principle have we violated? What law have we strained? What new powers have we asked for? What rights and privileges have we taken away? To what do we appeal? You tell me you think Ireland to be in a most dangerous state. You tell me you consider that Mr. O'Connell is the leader of that danger. You tell me that he is at the head of that hostile population, acting upon it by his agents and associates. The noble Lord opposite (Lord J. Russell) tells us that Mr. O'Connell possesses the affections and the confidence of the Irish people; and the noble Lord insisted that we must be guided in our policy towards Ireland, by the opinion of Mr. O'Connell. A more forgiving man than the noble Lord I never knew. Without violence, without extraordinary powers,—nay, under some reproaches on the part of many, and reproaches now on the part of the hon. Gentleman opposite, that we did not interfere earlier—we have—as I ventured to say last year we should—pursued a steady and a legal course; and without violation of the law, without increased power, trusting to the law, and to the law alone, we have brought to judgment and to conviction the leader of this dangerous agitation. You tell me that the danger is not over; you tell me that we have not succeeded in our object, that this very conviction has driven the people to madness; ay, and before you received the very record of that conviction, ay, and before the Law-officer of the Crown could appear to face your calumnies and charges against him — you think it right, you think it patriotic, you think it safe, you think it decent, here, in the House of Commons, to excite an already maddened people, and to arraign here in this Assembly, and from such reports as you receive, the conduct, the words, the voice, the gestures, of the highest functionaries of the law. [Mr. *Sheil*: "No, no."] I am sorry that I excite the right hon. and learned Gentleman so much, but that is the truth. A noble Lord, I think, at an early period of this debate, accused Her Majesty's Government of occupying and not governing Ireland; and it has been made, for a very considerable time, a matter of charge against the Government, that it was their determination and their principle to rule Ireland by military force, and not by adherence to the law. Now, what are the facts of the case? The noble Lord commented, on what he called a false return produced by the right hon. Secretary for the Home Department; and an hon. Gen-

tleman called for a return of the rank and file in Ireland in every year during the last ten years. That return was produced; and what is the result? Why, that this military despotism, this Government that rules by force—this Government which is bent upon superseding by brute force, and by the army, the ordinary course of law—have, during the two years they have been in office, up to the commencement of 1843, maintained in Ireland a force of just 2,000 men lower, on the average, than the average number of men maintained in that country by hon. Gentlemen opposite during a period of seven years when they were in power. I will not go through the figures. ["Yes, yes!"] Well, then, I must state, that in the year 1832, the military force in Ireland numbered 19,301 men; in 1833 it was 23,988 men; in 1834, 23,035; and in the next seven years, from 1835 down to 1841, the average force was 16,810 men. The lowest force in Ireland in any single year was 14,687 men; and the present despotic arbitrary Government, on the average of the two years, 1842 and 1843, have had in Ireland a force of 14,833 men. In the month of May, 1842, they had in Ireland a force somewhat below 13,000 men, the least military force that has ever been maintained in Ireland since the Union. A noble Lord moved for the production of a letter from the Lord Lieutenant of Ireland, which has been produced, offering, on a temporary exigency, to give up four or five regiments on account of disturbances in England in 1839. In that year the force in Ireland was 16,260 men, and if the whole four regiments, calculating them at the ordinary strength of regiments in garrison in Ireland, had been sent out of Ireland, they would not have reduced the force, except by a very few men, below the average amount of force kept up in Ireland by the present Government. But in 1843 commenced a system in that country which I think I may venture to describe as a system of most pernicious agitation. Multitudinous meetings were held in every part of the country, which, if not in themselves strictly illegal, I think no man can deny were such as to cause reasonable and serious alarm,—although they did not commit violence, because that was contrary to the immediate object of those leaders at whose beck the people rise or are still; but will any man tell me that a succession of these meetings of 200,000 and 300,000 persons, collected under the plea of petitioning Parli ment, but not petitioning Parliament—meetings at which the most exciting language was used,—the scenes selected for which were calculated to revive the most rancorous hostility towards England, meetings at which expressions were used, the tendency of which was to create ill-will and animosity between the two countries; will any man tell me, that if these meetings were not in themselves illegal, their tendency was not such as to create reasonable apprehension, if not of immediate disturbance of the public peace, at least of the overthrow of the functions of settled government? Will any man tell me that the Minister of the Crown, who is responsible for the peace of this Empire, would be justified in seeing, day by day, and week by week, multitudinous meetings of 200,000 and 300,000 men arrayed, disciplined, and taught their own strength,—and, after the declaration of the hon. and learned Gentleman who has just sat down, that it needed but the holding-up of the finger of one man to raise that strength into rebellion, will any one say that the conduct of the Government was not justified?—nay, will any one deny that the Government would have been deserving of impeachment if they had not met this display of physical force by an accession of physical force sufficient, thank God! not only to check any outrage, but to overawe the multitude, and prevent the possibility of such outrage being committed? I admit, that in 1843, we largely increased our military force in Ireland; yet, even now, we have not increased it to the same amount to which it had been raised, and at which it stood in 1833. Nor have we raised the whole force in Ireland very materially above what it was in 1834 and 1835; for, although in the earlier period of the administration of hon. Gentlemen opposite, they did somewhat reduce the military force, they will recollect, at the same time, that they largely increased the police and constabulary forces; and those hon. Gentlemen who thought of governing Ireland by their own influence with the people will remember that, if they had not so large a military force, the physical force they employed was as large, if not larger, than that which was maintained by the Government which they succeeded. If the House will allow me, I will now take the liberty of dealing with some of the topics to which the noble Lord called attention in his opening speech, and to which many hon. Gentlemen have alluded who followed the noble Lord. And I may venture to say,

that the whole course of this debate has singularly illustrated the prudence of the noble Lord the Member for the City of London in bringing forward a motion for a Committee instead of making any substantive proposal; for, though there has been great unanimity in condemning the Government—and some discrepancy, nevertheless, as to the causes for which they are condemned—and great difference of opinion as to the course which ought to have been pursued by Her Majesty's Ministers, and as to the nature of the measures which the Government succeeding the present Administration ought to propose — great blame has been attached to the Government, because they did not interfere soon enough; then an objection was taken that they interfered too soon; and then they were blamed for issuing a proclamation too late, when my right hon. Friend proved, by a fair statement of dates that it was impossible, by any physical power, to have issued the Government proclamation relative to the Clontarf meeting one day earlier. ["*Oh! oh!*" and laughter, from the Opposition Benches.] I really thought this question had been settled. ["*Oh! oh!*"] I will not weary the House by a repetition of the statement of my right hon. Friend. I will allow the matter to rest upon the statement of my right hon. Friend, which I think the House and the country must consider satisfactory. Some hon. Gentlemen on the other side gave me an ironical cheer when I said that we had not strained the law. Now I ask any hon. Gentleman to rise in his place, and to tell me, and to tell the House, and to tell the country, what law we have strained, what course we have pursued which was not justified by the circumstances and which it was not imperative upon us to adopt. I will not deal with the question with regard to the accidental omission of some of the names on the jury list; that was a matter with which the Government had nothing whatever to do. I mention this as an instance of the breathless haste with which hon. Gentlemen have come forward to make these accusations. We have heard it said over and over again, repeated *usque ad nauseam*, that sixty-five Catholics were omitted from the list, at least sixty-five persons, the greater proportion being Catholics. ["*Oh!*"] That was the statement originally made. The charge was this—that the traversers, or the majority of them, being Catholics, they were prejudiced on their trial, in consequence of the exclusion of a number of Catholics from the jury list. That was the charge. What turns out to be the fact? Sixty names were not omitted—no, nor thirty. ["*Oh! oh!*"] Only twenty-four names were omitted. [An hon. *Member*, twenty-seven.] Fifteen of these names were those of persons residing in one parish. I am stating what I have heard from the Recorder of Dublin. The Recorder does not know of these fifteen persons, who were Catholics, or who Protestants; but this he knows, that the Gentleman from whose negligence, or in consequence of whose omission, these names were not placed on the list, is himself a Roman Catholic. Yet we are charged with omitting the names of these persons because they were Catholics. We, the Government, who had nothing whatever to do with the matter, are charged with omitting the names of Catholics from the jury list, to the prejudice of Catholics who were placed on their trial. It turns out, however, that the number of names omitted is only one-fourth the number of those charged; and these names were omitted, not by the Government, not by an enemy, but by a person who is himself a Catholic. Then a charge was brought against us for striking the jury. [An hon. *Member*, "Challenging.") That is a term which has been used, but it is an inaccurate expression. What was the fact? The noble Lord has very ingeniously contrived altogether to omit noticing the distinction between Common and Special Juries. He has omitted to tell the House that if the Government had had a Common Jury, which they might have had, the Crown had the power, without limit, of causing persons to stand by, and the Crown might, under such circumstances have been charged, though unjustly, with packing the Jury. We resorted to no such advantage; we appealed to a Special Jury; and we took it as the jury list then stood. The traversers complained that the special jury list was not an accurate list, and they applied for time. This request was acceded to, and the trial did not take place until the new jury list was formed. How was it framed? Not by a law which we introduced; not according to any new-fangled system; no, but according to a law, framed, I presume, to facilitate the due administration of justice,—introduced, I believe, by Sir Colman O'Loghlin, at that time Attorney-general. What were the conditions of that law? Out of the whole number of 700 persons, forty-eight names were to be taken

by chance. After this was done, did the Government exercise their right of challenge? Did they cause persons to stand by? Did they exercise any discretion whether they would or would not strike any names out? No, but of the forty-eight names, the Government on the one hand, and the traversers on the other, were each compelled to strike off twelve names. Some hon. Gentlemen have said—"But the Government officers struck off all the Roman Catholics." My noble Friend has stated—and I am convinced that those who know him will not have the slightest hesitation, even under the influence of any party-feeling, in giving implicit confidence to any statement he may make on this or any subject—my noble Friend has stated, that it was the positive direction of the Irish Government—which direction had the cordial approval of the Government here, that no man should be struck off that panel on account of the religious opinions he might entertain. "But," it is said, "it happens, that ten Catholics were struck off." The answer made to this statement, is, that to the best of our belief, those Catholics were all Repealers, and not Repealers only. [Mr. *Sheil* "No! no!"] The right hon. Gentleman has an advantage over me, but he must recollect, that he has a little professional bias in this case. I have none. An affidavit was put in, stating, that to the best of the belief of the officers who struck the list, these persons were Repealers. [Mr. *Sheil*, "No!"] Then, if an affidavit was not put in, a statement was made on the part of the Government officers, that these persons were believed to be Members of the Repeal Association. [Mr. *Sheil*, "Yes,"]—On the other hand, after some delay had taken place, an affidavit was put in on the part of the traversers, to the effect that the persons making that affidavit believed that the parties whose names were struck off were not Repealers, nor were in any way connected with the Repeal Association. Mark: an affidavit to this effect was originally offered. After a very considerable time had elapsed, it happened to be mentioned that this affidavit was not forthcoming, and then at last came out an affidavit, not saying that these ten persons whose names were struck off were not members of the Repeal Association, but that, to the best belief of the parties making the affidavit, two out of the ten were not members of the Association. The right hon. Member opposite (Sir G. Grey) has confessed that with regard to members of the Repeal Association we were perfectly justified in striking their names off the list; nay, that the Government would have been guilty of a great dereliction of duty if they had not struck them off. And now with respect to those two persons whom the attorneys for the traversers believe were not members of the Repeal Association; as to one of them, he was fully believed at the time of striking the list, and is even at this moment believed to be, if not a member of the Repeal Association, a person who had signed a petition in favour of Repeal; while the other of the two names certainly turned out to be a Roman Catholic; but at the period he was struck off the jury list he was firmly believed, not only to be a Protestant in religion, but also to be a strong Conservative in politics. As a confirmation of this belief, it appears that at the last registration that person was registered as a Protestant and a Conservative, on the Conservative interest. It is not necessary to say why that person was struck off; but I think I have shown that he was not struck off on account of his supposed religion, or for the purpose of prejudicing the traversers. Hon. Gentlemen talk of striking off Roman Catholics, and seem to think it very strange and extraordinary, and as being tantamount to a declaration against the Roman Catholics as not being worthy of being believed on their oaths, and God knows how much more of that sort of thing. I agree with much of that, for I wish to throw no disparagement on the honour of the Catholics. I have just received the affidavit which the right hon. Gentleman (Mr. Sheil) said had not been made. [Mr. *Sheil*: I never denied the existence of such a document.] It is dated the 12th of July, 1844, and is made by William Kemmis, Crown solicitor, was sworn before the Court of Queen's Bench, and is signed by William Bourne, Clerk of the course—[*Laughter*]—clerk of the Crown, I mean; and is a complete answer to the right hon. Gentleman who denied the existence of this affidavit. [Mr. *Sheil*: I did not.] The affidavit states that the deponent did not believe that eleven persons professing the Catholic religion were struck off the list of forty-eight inasmuch as he believed there were only ten names on the list of persons who professed that religion. That previous to reducing the forty-eight names to twenty-four, he had received information, which he at the time believed and still believes, that all of the ten Catholics whose names

were struck off were members of the Repeal Association, and contributors to the Repeal Fund. Really I am obliged to the right hon. Gentleman for having made these objections to the affidavit, because it does show the kind of spirit which is imported into this House by hon. Gentlemen, even on the discussion of so important a case as this undoubtedly is. I cannot help regretting that the right hon. Gentleman should have brought into a discussion of so great a question, those quibbles and quirks by which in a court of law it is sometimes sought to impede the course of substantial justice. The right hon. Gentleman says that there is not a word about Repealers in the affidavit. But the words of the affidavit, are, that the deponent believes that the parties were either Repealers, or had subscribed to the funds of the Association called the Loyal National Repeal Association. But let us consider the matter a little further. I was going to say when the affidavit was handed to me that the Crown is charged with striking off the names of ten Roman Catholics; and the Crown, in exercising this its undoubted right of striking off twelve names on the list, is charged with having offered an insult to the Catholics of Ireland. But, meanwhile, it is not considered for a single moment a matter deserving of the slightest notice that on the part of the traversers it so happened that no one but Protestants were struck off. I don't blame them. What is the object of the striking off the twenty-four names? Not to impugn the credibility of the persons; not to charge with perjury any of those gentlemen, but to secure an equal trial to each party—the Crown on the one side, and the traversers on the other. It is for this purpose that the parties have the opportunity of striking off those whom they think most likely to have a bias against them. It is not certain who are the parties they will strike off: but if I, as a professional man, believe that A has a bias against my client I should be neglecting my duty to that client if I retained A on the list in preference to B, whom I did not suspect of having any bias. I hope I have disposed of that question as to the striking of the jury. The hon. Gentleman who talks so much about an insult being offered to the Catholics, by striking off Catholics from the list, never reflects or considers that the traversers offer any insult to the Protestants, whom they either struck off the list, or who are left on it. They do not for a moment think that the Protestants can be in the slightest degree offended at its being implied by these complaints, that it is not possible for a Catholic to have a fair trial before them. But more than this; some hon. Gentlemen sneered when I said I had strained no law. There were many points raised at the trial, but they were all decided in favour of the Crown. Was any doubt entertained by the Bench as to the perfect legality of the whole proceedings. If there were, the right hon. and learned Gentleman will have an opportunity of telling me so. Some hon. Gentlemen have commented upon the terms in which the learned Chief Justice charged the Jury. I do not think it was very decent on the part of a Member of the legal profession to avail himself of the privileges which he enjoys as a Member of this House, for the purpose of attacking one of the highest functionaries of the law in his country, not for any mistake in point of law, for no man imputed that to the learned Judge, not for any indiscretion to the Jury, but for some expression—some words used by him, because he seemed to be summing up too much against the traversers. That learned Judge gave the unanimous opinion of the Judges associated with him as to the strict letter of the law. They all concurred on that point, and the Chief Justice having given the unanimous judgment of the Bench on the law, he left the facts to the Jury. And I must say, that I never in my life remember a jury who appeared to have a more conscientious sense of the value of their oaths, or who took more pains in passing, not a verdict of condemnation, but in passing in a most complicated case a most discriminating verdict with regard to the separate guilt of the different parties. Will any man tell me that there appeared the least bias on the minds of the Jury, or that they did not apply themselves during the whole of this most protracted trial in the most praiseworthy manner? By that Jury the unanimous verdict was given upon the facts, and by the Bench there was an unanimous agreement on the law, that the course pursued by the traversers in their several degrees was an offence against the law, and that the crime of conspiracy was brought home to them. And all this we have effected without any outbreak—without the violation of the law—and, having effected it, is this the time for a political party to come forward and make a motion for a Committee to inquire into the state of Ireland? The noble Lord expressed, in very general terms, the measures he in-

tended to propose, and that which he thought it would be necessary to be done for the future welfare of Ireland. The pure administration of justice was the first; and I meet the noble Lord by saying, that I cordially and unreservedly concur with him. But if he brings a charge against the Government, that they have encouraged, sanctioned, or connived at any impure, partial, or unequitable administration of justice, I, on the part of the Government, deny it, in terms as strong as I can use, and I defy the noble Lord to bring forward a single instance to justify the charge. Has the noble Lord established his case—has he adduced a single case against the Government? No; but he went back to what had been the practice in the year 1823, as to the setting aside of jurors, and he told us that since that time a great improvement had been introduced by the rules established by Baron Brady, but the noble Lord forgot to say, that these are the very rules under which we are now acting, and which have been confirmed and sanctioned by the unanimous opinion of Her Majesty's Justices. Then the noble Lord goes to the franchise—but I am really afraid of wearying the House by following him through all his arguments. [*Go on.*] The noble Lord tells us, that the franchise is wretchedly confined, and he taunts me a good deal, and like another hon. and learned Gentleman (the Member for Cork) is extremely surprised that any proposition for an extension of the franchise should proceed from a Government of which I am a Member. The noble Lord thought it worth his while to recur back to the Registration Bill, which, as he stated, increased the difficulties of the claimants by sending them to great distances. That was one charge that he made against the Registration Bill. I shall not now enter into the merits of that Bill; but I will remind the noble Lord that so far from compelling the claimant to go a great distance, one of the objects of that bill was to multiply the places where his vote might be decided upon, and by that means to diminish the distance. [Lord *J. Russell:* But it established an appeal to the Judges of Assize.] Yes; so there was, a one-sided appeal, provided for by the Bill of the noble Lord, and Lord Morpeth, who brought forward his bill, introduced, if I recollect right, a system of double appeal. But the noble Lord said, I commented upon that Bill of Lord Morpeth's, and said it came forward under false colours and false pretences, because it was impossible to have a correct system of registration unless you extended the franchise. But I said nothing of the sort. I said the Bill came forward under false colours and false pretences, not because it was impossible to have a more stringent system of registration without extending the franchise, but because it professed to explain the doubts and difficulties that existed under the present system of registration, and then introduced a wholly new franchise. That was the ground on which I said it was introduced, "on false colours and false pretences." The noble Lord tells us with regard to what the franchise must be for the future, that we must conform to the wishes of the people of Ireland. Now, with every wish to meet the reasonable desires of the people of Ireland, if I am to take the wishes of the people of Ireland as interpreted by Mr. O'Connell, I must say I cannot take his views as my guide for introducing or supporting any alteration in the franchise. But the noble Lord talked of equality of rights. I tell the noble Lord that if he did adopt in Ireland the English franchise with the English interpretation of the law, he would very materially raise the existing franchise, and the qualification required by the existing Irish law very materially diminished the number of electors who either are or ought to be on the register of voters for Ireland. I pass from these questions, because they are not the main points of attack which covertly, in the first instance, and with some caution, had been brought forward, because there might appear to be great difference of opinion upon it on the other side of the House. The real subject—the pre-eminent grievance according to hon. Gentlemen opposite—is not the superiority, the wealth, the abuse—not the unnecessary extent—none of these, but it is the existence of a Protestant Established Church; and we are distinctly told, and if I thought so, I should say the prospect was gloomy indeed, that there is no chance of peace in Ireland—that there is no chance of contentment in Ireland, so long as exists the Protestant Established Church. Does the noble Lord make that declaration? No; but these are dangerous questions to raise. The noble Lord joins with those who differ widely from him; and I cannot acquit the noble Lord of having introduced this question, knowing all the danger, foreseeing all the embarrassment, and yet bringing it in at the most exciting time and on the most

exciting subject, to abuse, and to raise the discontent of the Irish people—to tell them that it is justifiable in the existing state of things; and this, with the knowledge in his own mind—the conviction in his own conscience, that if to-morrow the responsibility were cast upon his own shoulders, he dare not, that he could not and would not, attempt to carry into effect that which is admitted to be the *sine qua non* of those Gentlemen who will vote with him, and by that man who, the noble Lord tells us, is the idol, the object of affection, the guide, and the counsellor of the Irish people, and without satisfying whom, it is hopeless to think of satisfying the Irish people. Now, really, Sir, when I pass over that important question (though the noble Lord has dealt with large subjects), when I come to deal with his proposals, is it possible to deal with anything so miserable and wretched as the abortion which he has proposed? He attacks the Commission of Landlord and Tenant, and makes use of all the expressions calculated to excite discontent with the existing state of the law. I agree that this is a difficult state of things; but he did not say that an Act of Parliament would remedy this. After exciting the passions of the people to ask for a remedy, he tells you, "The only thing (says the noble Lord) which I can suggest, and which I do think practicable, is to increase the number of Stipendiary Magistrates." And this is the lame and impotent conclusion of the other leader of the House—of one who did lead the Councils of Her Majesty's Government, and who, no doubt, aspires to lead them again. This is the wonderful measure which is to bring peace to Ireland. With regard to the Church, the noble Lord says, he does not wish, far from it, to destroy the Protestant Church—he does not wish to impair its resources—to take from it the superfluous wealth of some 250*l.* a-year, paid to different clergymen—to bring down (to use the words of an hon. Gentleman last night) "a pompous State Church gorged with the fruits of taxation." The noble Lord thinks in the abstract that this would be a good thing. "My principle (says the noble Lord) is equality—perfect equality between all religious sects and all denominations of Christians;" and his statement of his principle is received with great cheering; but when he begins to act up to his principle, hon. Gentlemen find very different modes of estimation of what is equality. You may endow the Roman Catholic Church, or take away the endowment of the Protestant Church, or divide the endowment of the Protestant Church among them. How does the noble Lord mean to divide them when he comes to his abstract proposition? I don't say that he means to do it; but in his abstract proposition, does he mean that the 500,000*l.*, the property of the Church, shall be divided into three equal portions, amongst the Roman Catholics, the Protestants, and the Presbyterians? Does he mean that? Why, you tell me, that the Roman Catholics are as six and a half to one. Then, according to the principle of numerical equality, he means to take from the Church seven-eighths of the 500,000*l.*, and leave the remainder for the endowment of the Establishment in Ireland, as an evidence of his regard and affection for the Church. The noble Lord the Member for Sunderland was quite right in saying that all these vexatious questions of proportion of classes, of giving a little more here and a little more there, never would effect any object or give any content to the people. I agree with the noble Lord, that the time for such compromises is gone by. The question for the Empire is this, will you or will you not destroy the Protestant Church? Now, I do not rely with absolute confidence, or look on it as an absolute and unanswerable impediment to any course of legislation which may be desired by this House applicable to this subject; but this I say, that if there was one provision in the Act of Union to which greater importance was attached, or on which greater stress was laid at the time, or one in which the Irish party thought there was greater security than in another, it was that which declares, that the Protestant Established Church shall continue to be the Church of the United Kingdom. The noble Lord referred in the commencement of his speech to the importance of maintaining the Act of Union—of adhering not only to the letter, but to the expectations, and promises, and hopes held out at the time of the passing of that act; and he particularly referred to the Address to the Throne from the two Houses. That Address referred to certain resolutions passed by the Parliament of Ireland, and the House will, perhaps, allow me to read one of those resolutions referred to in that Address, as holding out expectations which the noble Lord says we ought to be cautious how we break:—

"That the continuance and preservation for ever of the said united church as the Esta-

blished Church of that part of the United Kingdom called Ireland shall be deemed and taken to be a fundamental condition of the Act of Union."

That resolution was identified with the address presented by the two Houses of Parliament to the Crown. The Act of Union contained an article in conformity with this. Now, I am unwilling to weary the House by following up the history of this question from the period of the Union, to show the assurances, the declarations, and the promises which from year to year were made by Roman Catholic authorities, and by those who supported, and anxiously supported their views, and which were put forward in regard to the maintenance of the Established Church in the event of their obtaining the object of their desires—a complete emancipation from religious disabilities, I am unwilling to do that, but I think at this period, when we are called on to destroy the Protestant Establishment, to destroy it as an act of justice to Catholics, without which the Catholics will not be satisfied, and ought not to be satisfied, which the Catholics do demand and will demand, it is right to ask the House of Commons of this country to look at the engagements held out on the part of the Roman Catholics before they obtained equality of civil rights. Mr. Grattan, in the year 1813, introduced a Bill for the removal of Roman Catholic disabilities, of which this was the preamble,—

"And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Church of Scotland, and the doctrine, discipline, and government thereof, are established permanently and inviolably; and whereas it would tend to promote the interest of the same, and strengthen our free constitution, of which they are an essential part, if the civil disabilities were removed."

That was the preamble of Mr. Grattan's Bill. Will the House excuse me if I recall their attention for a moment to the state of Roman Catholic feelings as far back as the year 1757? In that year the Irish Roman Catholics made a solemn declaration, in which they affirmed, as they said, in the face of their country, of Europe, and of the world, that, in seeking to be relieved from disabilities under which they laboured, they had no wish whatever to subvert the Church Establishment. They said,—

"Now we, the Catholics of Ireland, for the removal of all such imputations, and in deference to the opinion of many respectable bodies of men and individuals among our Protestant brethren, do hereby, and in the face of our country, of all Europe, and before God, make this our deliberate and solemn declaration:" . . "It has been objected to us, that we wish to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead. Now we do, hereby, disclaim, disavow, and solemnly abjure any such intention; and further, if we shall be admitted into any share of the Constitution, by our being restored to the right of Elective Franchise, we are ready, in the most solemn manner, to declare, that we will not exercise that privilege to disturb and weaken the Establishment of the Protestant religion, or Protestant Government in this country."

The assurance then given was as full and as perfect as it could be. Again, in the year 1792, we find the Roman Catholics as petitioners to Parliament, "solemnly and conscientiously declaring," that, as regarded the Protestant Established Church, they were satisfied with their then condition; that they acquiesced in the existence of that Church as then established; that they did not want to possess themselves of any property belonging to the Established Church; and that they were ready to give the fullest assurances of these being their sincere and earnest intentions.—

"With regard," said they, "to the constitution of the Church, we are, indeed, inviolably attached to our own—first, because we believe it to be true; and next, because, beyond belief, we know that its principles are calculated to make us, and have made us, good men and good citizens. But as we find it answers to us, individually, all the useful ends of religion, we solemnly and conscientiously declare, that we are satisfied with the present condition of our ecclesiastical policy. With satisfaction we acquiesce in the establishment of the National Church; we neither repine at its possessions nor envy its dignities; we are ready, upon this point, to give every assurance that is binding upon man."

In the year 1808, the well-known petition of the Roman Catholic clergy and population was presented to Parliament; and it contained this passage,—

"And your petitioners most solemnly declare, that they do not seek or wish in any way to injure or encroach upon the rights, privileges, possessions, or revenues, appertaining to the Bishops and Clergy of the Protestant religion, as by law established, or to the churches committed to their charge, or to any of them; the extent of their humble

supplication being, that they be governed by the same laws, and rendered capable of the same civil and military offices, franchises, rewards, and honours, as their fellow subjects of every other religious denomination."

Again, Dr. Collins in his evidence before the House of Lords, in 1824, solemnly disclaimed any disposition on his part, or that of his fellow Catholic countrymen, to disturb the Clergy of the Established Church in the possession of their property or privileges, adding,—

"I am satisfied," he said, "to acquiesce in the manner in which the property and privileges of the Church of England are by law established and secured."

In 1826, a declaration was made by the Roman Catholic Bishops and Clergy themselves, in which they say that,—

"They recognise the right of the Clergy of the Church of England, as by law established, to the property and temporalities of the Clergy of the Established Church, and regarded the property and temporalities of the Church to be in those upon whom they had been settled by the laws of the land."

But now the case is altered altogether. We are told by hon. Gentlemen upon the opposite side of the House broadly, that this property and those temporalities have been plundered from the Catholic Clergy, and they assert broadly and openly, that they will never be satisfied until they are restored to the Clergy of the Church of Rome. [*No, no!*] It is very well for the hon. Gentlemen to say no. I know that many Gentlemen would say "No, no," who agree to a proposition for the destruction of the Protestant Church in Ireland, while there are many of them who now apparently assent to it for a party object, who would not consent to it if they thought that there was any prospect of the proposition being made. The noble Lord, the Member for Sunderland, and the hon. Member for Sheffield, at once recommended that the Irish Protestant Church should be destroyed. [Mr. *Ward*: "No, no."] Oh, I had forgotten the distinction the hon. Member made, but I will recur to the point presently. I will, however, now proceed to cite the declarations that were made to the Protestants of England and Ireland immediately before the passing of the Emancipation Bill. I will first call the attention of the House to a passage in the speech delivered by the Commissioners of His late Majesty, King George IV., on the assembling of Parliament in the year 1829. The responsible advisers of the Crown at that period had made up their minds to the introduction of a measure for the relief of the Roman Catholics from the disabilities under which they then laboured; and, with a view to that, the following words were introduced into the King's Speech at the opening of the Session:—

"You will consider whether the removal of their liabilities can be effected with the full and permanent security of our establishments in Church and State, with the maintenance of the Reformed religion established by law, and of the rights and privileges of the Bishops and Clergy of this realm, and of the churches committed to their care. These are institutions which must ever be held sacred in this Protestant Kingdom, and which it is the duty and determination of his Majesty to preserve inviolate."

The House of Commons in its reply to His Majesty's proposition in his gracious Speech, was as follows:—

"That feeling, with his Majesty, convinced that these are institutions which must ever be held sacred in this Protestant Kingdom, we cordially thank his Majesty for the declaration that he deems it his duty, and that it is his determination to preserve them inviolate."

The same language, reserving sacred the right of the Established Church to its property, privileges, and temporalities, formed a part of all the declarations made at the time by his Majesty's Roman Catholic subjects, and they expressed themselves ready to bind themselves to the performance of those engagements by their faith pledged, and the solemn obligation of an oath; and the supporters of the claims of the Catholics in Parliament reiterated those solemn declarations made by the Catholics, vouching for their good faith and sincerity, and that the Catholics, one and all, had no desire to subvert the Established Church, or possess themselves of the property or temporalities of its Clergy. This, I say, was the language used, and this the nature of the security offered to the Legislature for the great boon of Catholic Emancipation before the passing of the Bill for the removal of the Catholic disabilities. Hence it was, that, trusting to these solemn assurances, my right hon. Friend (Sir R. Peel) rejected the suggestion of my esteemed deceased friend, Mr. Wilmot Horton, to introduce clauses barring all and every Catholic from interfering in any way, or intermeddling in any legislative discussion by means of his vote on questions arising in the House of Parliament.

"I will not," said my right hon. Friend,

"obstruct the Catholics. I have framed by the Relief Bill, an oath according to the suggestion of themselves, as a form of oath that would be most binding upon their consciences, and to their consciences I will leave them."

And now, Sir, I approach another branch of the subject, but I do so, I can assure the House with an earnest desire to offend no man—to charge no man with any wilful violation or evasion of the obligations undertaken by or imposed upon him. I am ready to admit, that a Roman Catholic has as good a right as a Protestant to legislate upon matters connected with the Church, provided only that he adheres to that conscientious belief which he entertains respecting the obligations imposed upon him by the oath which he has taken. In saying this, I appeal not to the passions of the Protestant, but to the conscientious feelings of the Roman Catholic. I may, therefore, without offence, read the oath imposed by the Emancipation Act, and be permitted at the same time to connect it with the previous declaration. This oath, be it remembered, was enacted as a security for the Protestant Church; and these are the terms of it:—

"I do swear that I will defend, to the utmost of my power, the settlement and arrangement of property in this country as established by the laws now in being. I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead; and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled to disturb and weaken the Protestant religion and Protestant Government in this kingdom. And I solemnly here declare, that I take this oath in plain terms, and according to the common acceptation of the words, without any evasion or mental reservation whatsoever."

Those are the terms of the oath and this is the spirit in which the Parliament of this country legislated for the relief of the Roman Catholics. I do not charge any Roman Catholic with being capable of violating any such obligation. I can readily imagine that there are those who think that a reduction of the temporalities of the Established Church might increase the efficacy of that Church; but this I will say, that it behoves the Roman Catholic with that oath in his hand, and influenced by the reverence which he entertains for such an obligation, I say it behoves him well to examine his own conscience, and to look most carefully at the nature of any enactment affecting the Church before he gives his vote. But then I am told, that the mere existence of the Established Church is an insult to the Roman Catholics; and I am told by an hon. Member opposite, that the Act of Settlement is also regarded with the uttermost discontent by the Roman Catholics.

Mr. *Ward* rose to order: he was quite sure that the noble Lord did not wish to misrepresent him, and the noble Lord was not in the House when he had become aware of the interpretation put on his words respecting the Act of Settlement; and had explained them. He never meant to impute, or did impute, to the present generation of Catholics the slightest disposition to find fault with the Act of Settlement. The Catholics, who had fought at the Boyne, and defended Limerick, no doubt felt it as a hardship. It confirmed the confiscation of their property, and the proscription of their religion. But from 1745, to the present time, not the slightest imputation could be cast upon the loyalty of the Catholics as a body. They had acquired property themselves under this very Act of Settlement, and the Queen had no more devoted subjects.

Lord *Stanley*: I can assure the hon. Gentleman, that if he had only waited a few minutes I would have explained. I was going to say, that the hon. Gentleman had withdrawn the expression that he then used. The hon. Gentleman said, in the first instance, that it was an insult to the Roman Catholic, and more, that he thought it quite right there should be no misunderstanding on this point; that that was his opinion. I was going to say, when the hon. Gentleman interrupted me, that the hon. Gentleman had withdrawn that opinion, which fell from him in the heat of debate. But, Sir, I cannot see, if the Act of Settlement is not an insult to the Roman Catholics, how there should be that inequality of which the noble Lord and the hon. Gentleman complain. The hon. and learned Member for Liskeard (Mr. C. Buller) did not much improve the case, for he says, that that oath is unnecessary, because the object of it was to exclude from the Throne the Roman Catholic descendants of James I., and that those descendants being all extinct, it is now useless. [Mr. *C. Buller*: I did not say so.] The hon. and learned Gentleman said, that the object of the Act of Settlement was to exclude the Stuarts, and as the family of the Stuarts was extinct, the Act of Settlement

is a dead letter; therefore, if that were the only object of the oath, it was worse than an insult upon the Roman Catholics, because it was a gratuitous insult—because it goes only to provide against a Roman Catholic family which does not exist. But the case is not so. No; but this country did think, that it would not be safe—that it would not be consistent with civil liberty, that there should be a full and entire equality between the Roman Catholics and Protestants. Sir, with regard to civil rights we are prepared — Her Majesty's Government are prepared—to give to our Roman Catholic fellow-countrymen everything which can be given them without trespassing on this important branch of the Constitution. But I do not think it at all inconsistent, acting on this principle, to do the fullest justice to the Roman Catholics, and to remove any grievances, if any still remain, in point of feeling, or which may be injurious to the Roman Catholics—I say there is no inconsistency between removing those grievances, and, at the same time, firmly maintaining the Established Protestant Church. What is it that the Roman Catholics ask with regard to the Protestant Church? Do they ask to be endowed with the property of the Protestant Church? No, they repudiate it; they refuse it; they will not take it if you offer it; they will not have a division or the whole of the property; they do not wish that the "plunder" which has been taken from them should be given back to them; they do not ask for a violation of the prescriptive rights of property extending over a period of 300 years! But they refuse to enter into any alliance with the State; they say, that if you are willing to take them in alliance with you they will not come. Then they insist that in reference to the clergy of the Church which is in alliance with you; that Church which does ally itself to the State; that Church which does submit to your laws; those ministers who are provided for by the State, that they shall not be provided for, not because their ministers would not be equally provided for, but because they will not have them provided for by the State. In either case they insist there shall not be any provision. Is this a demand which is reasonable, or one which establishes equality? The hon. Gentleman talks of equality—are the two Churches on an equality? Will the Roman Catholics allow you to regulate their ecclesiastical functions? Will they allow you to appoint their Bishops —to control their proceedings—to regulate the fees which they are to take—to name the hours of worship? Will they allow you to interfere with any view to equality? No; but they say, give us all the advantages of endowments by the State, and make us independent of the State, give us with that independence all the advantages the Protestant Church enjoys in consequence of its connection and alliance with the State. The noble Lord seeks, I presume, to put the Roman Catholic Bishops on an equality with the Protestant Bishops. Does he mean to admit them into the House of Lords? I should like to know whether he have such an intention? [Lord *J. Russell*: "No, I do not." A Voice on the Opposition side "we do."] You do, happy united party! So, then, on the first question being asked of the noble Lord on a great question of policy the noble Lord denies the intention which has been imputed to him by hon. Gentlemen who sit by his side, and by the hon. Gentleman who interrupted him prematurely. If it were intended that the Bishops should be allowed to sit in the House of Lords, does the hon. Gentleman mean that they should be appointed by the Crown? But the Catholic Bishops are appointed and consecrated by a foreign Potentate; and they are to take their seats as Peers of the realm, and are to vote in the House of Lords, and to do that for all the purposes of legislation? Well, then, take the other alternative. They are not to be admitted into the House of Lords —then what becomes of your equality? Do you mean to remove the Protestant bishops from the House of Lords? That is a favourite doctrine I know with some hon. Gentlemen opposite? Why don't you try your hand at that, and bring forward a motion in this House to that effect? Let hon. Gentlemen do this; and see what would be the sense of the House of Commons and of the people of England upon a motion for the exclusion of the Bishops from the House of Lords, and the exclusion of Protestant bishops because the Roman Catholic bishops refuse to take their seats on the conditions upon which the Protestant bishops sit there. And are these the conditions of equality which are to satisfy all parties—to allay disquietude, and to allay murmurs in the north and in the south? Is this the correct course to adopt on the part of a Protestant Government? Sir, I hope the noble Lord does not represent the Roman Catholic people in Ireland; but I can assure him that whenever

he shall try this sweeping proposition, he will soon be convinced that he does not represent the views of the Protestant people of England. The hon. Gentleman said, that without the destruction of the Established Church in Ireland, all other means of conciliation or concession would be of no avail, and need not be tried; that conciliation or concession would be a mere waste of our time. I, for one, am not of that opinion. I do not propose anything in the way of compromise, but I say, while maintaining the Protestant Church, I will never consent to abandon the just claims of the Roman Catholics. I say, there is no expense or extent of civil immunity which I am not willing to grant in equity, and justice, and in law, to my Roman Catholic brethren; and if in the law as it now stands, there are grievances which can be substantially pointed out, no man will be more ready to meet the case, and, as far as legislation will allow, remove those grievances. I was sorry to hear the hon. Member for Kildare (Mr. M. O'Ferrall) repeat a statement which fell from the noble Lord the Member for London. The noble Lord made an assertion which I am sure he would on cool reflection regret—namely, that the present Lord Chancellor of England had been raised to his high position on account of his political sentiments in respect to the Roman Catholics and to Ireland. Sir, I deeply regretted to hear the statement of the noble Lord, but I give him credit for having uttered it in the height of excited feelings, and an excited speech—and I am certain it was not the real feeling or opinion of the noble Lord. I regretted it the more deeply, therefore, that the hon. Member for Kildare said, after cool reflection, that he agreed with the noble Lord the Member for London. If I were to believe the hon. and learned Gentleman's (Mr. Murphy's) statement, Ireland certainly is in an excited state—a frightful state; for he says, that no jury can be impartial, and the conclusion to be drawn from his remarks was, that there was no longer to be obtained a fair trial by jury. Now, Sir, I do not believe it to be impossible to get an impartial jury in Ireland; and I think, on this point also, that when the hon. Gentleman made the statement, he allowed himself to be carried away by his feelings. But the hon. Gentleman said, his objection to the Protestant Establishment was not based on any religious objection; and so an hon. Gentleman on the other side said he had not any religious feeling in the matter. No; he objected not to the Clergy receiving their income, but to the unauthorised interference of the clergy in secular matters in Ireland. The hon. Gentleman says, that if a power of attorney is wanted the party requiring it is obliged to go to the Protestant clergyman of the parish. I do not know of any such law; but sure I am, if any law or practice requires the signature of the clergyman of the parish to certain documents, as a person perfectly well known, and, therefore, the individual selected to give validity and effect to such papers—if, I say, there be any law which imposes such duty on the Protestant clergyman, and that practice is to be considered a grievance, or a degradation, or an insult, I shall not only have no objection to relieve the Roman Catholics from the grievance, but the Protestant clergyman will be extremely indebted to you for taking from him this onerous duty. But the hon. Gentleman says, in regard to certificates of baptism, when they are granted by Catholic priests in Ireland, they are illegal; whereas in England they are equally admissible. I mention this to show that if you bring forward grievances we are ready to redress them. The hon. Gentleman says a Roman Catholic clergyman cannot give a certificate of marriage. In England, prior to the year 1836, there was a very real and a very substantial grievance on this account, for, I believe, before the passing of the Registration Act, a Roman Catholic clergyman in England could not celebrate a marriage even between parties of his own communion except according to the forms and in the presence of a minister of the Established Church. Why that was a real, substantial, tangible, grievance, pressing heavily upon the Dissenters and upon the Roman Catholics. There is no such grievance in Ireland. A Roman Catholic clergyman may marry, provided he marries two persons of his own persuasion, without any interference by any party. Nay more, the marriage is recognised and valid, and proof of it may be offered at any time, and the Roman Catholic clergyman, who shall appear in any court of law, and declare, that he had married two persons, being Roman Catholics, his declaration would be good evidence of the marriage, and of the validity of the marriage. But what is it the Roman Catholic requires according to the hon. Gentleman? Why that his certificate should be a certificate of the marriage, the same as the certificate of a minister of the Established Church, and the minister of

any other Church in England at this moment. But the minister of the Established Church in England is bound by many restrictions and regulations by which the Legislature controul the exercise of his functions. They compel him to keep a register. Is the hon. Gentleman quite sure that the Roman Catholics would submit to the same restriction—is he quite sure again, that if an offer were made in this respect to place the Roman Catholic clergyman on the subject of marriage, upon the footing of entire and perfect equality with the Protestant clergyman in England, that he would not say, "No, I would rather remain as I am; I would rather not obtain the boon if it is to be encumbered with this difficulty!" This is a most complicated and difficult question. Hon. Gentlemen opposite well know, that there is no question more difficult than the law of marriage, particularly with regard to Ireland. That question was last year under the consideration of the House of Lords, and upon this very question of Registration by Roman Catholic clergymen very abundant evidence was taken before the Committee, which at present has not been given to the public, inasmuch as the inquiry has not yet terminated. Now, Sir, there is another point which is touched upon by my right hon. Friend, and to which I will only very briefly advert. It is stated, that the Roman Catholic Clergy are determined to accept no endowment on the part of the State; and it is said, on the other hand, that there is a great disinclination on the part of a large body of the people to grant it if it would be accepted. The hon. Gentleman treats rather lightly a proposition which, I confess, appears to me to carry with it a considerable recommendation as affording to the Roman Catholic clergy a more secure state of independence than they now possess—I mean the proposal which relaxes the law at present in force in such a manner as to enable the Roman Catholic Clergy of Ireland, or rather to enable persons holding trusts for the Roman Catholic Clergy in Ireland, to acquire property in the same manner as, by a recent statute, that privilege has been conferred upon Roman Catholics in this country. By the 2nd and 3rd William IV, some relaxations were made in the law, which, in some respects, differed in the two countries. In some respects the restrictions were more stringent in England; but a restriction is now left upon the Roman Catholic in Ireland, which does not apply to the Roman Catholic or Dissenter in England, that he cannot at present, as a Roman Catholic Priest, hold any real property, and that no valid deed of gift can be executed to him, or any other person for his advantage, in that capacity as a Roman Catholic. I hope, if this is not considered as a large concession—if it is not considered as meeting the views of the hon. Gentlemen opposite, which I now, on the part of the Government, say we cannot meet, I trust the proposal to extend this right to the Roman Catholic Clergy of Ireland—to enable the Roman Catholic landlord, to enable the Protestant landlord, to enable the Roman Catholic population by their united efforts to obtain for their Clergy a fixed status, and a property in land to a limited extent—I hope it will not be taken as an indication on the part of the Government of any hostile feeling towards the Roman Catholic priesthood. I say, again, that if there are practical grievances which are still endured by the Roman Catholics, not the fanciful grievance of having a provision made for persons of a different religious persuasion, which, if offered, they would not accept—if there are any substantial grievances under which the Catholics labour—if there be any assistance which, consistently with principle, we can give to improve the condition of the Roman Catholics, they will not find upon the part of Her Majesty's Government—bigots, as they may choose to represent us—they will not find any disinclination to view those claims with the consideration which I admit is due to the priesthood, who are connected with a very large portion of the Irish people. If the proposition of the noble Lord be in the first instance to pass a vote of censure, which in my conscience I believe to be unmerited on the part of Her Majesty's Government, against that vote of censure I should heartily, respectfully, but firmly protest as unmerited. Against the confiscation of Church property I will raise my voice, as long as I have a voice to raise within the walls of Parliament. I wish before I sit down just to call the attention of the House to an authority upon this subject, to which I think hon. Gentlemen on the other side of the House will pay some degree of attention. At the period of the introduction of the Catholic Relief Bill, when some hon. Gentlemen had stated in strong terms their apprehension of the admission of Roman Catholics to Parliament, in consequence of the probability that they would subvert and overthrow the Established Church, this

was the mode in which a noble Lord, now a Member of this House, met that argument. That noble Lord said—

"By what magical power a minority is to lead captive an overwhelming majority, and compel them to sacrifice their principles and degrade their faith, has not been very distinctly stated. But it is said, that in times of nicely-balanced political discussion, when parties run high, a small but compact body in this House, acting upon one common principle, proceeding steadily towards one common object, and throwing their weight into the scale as opportunity and occasion may arrive, might accomplish purposes and objects which are seemingly unattainable. So far as relates to honours and emoluments, or anything which the leader of an Opposition may propose, or the head of a Government can give, this argument may have some weight. But the changes which the Catholics are said to aim at can only be effected by the concurrence of the whole of the Legislature. But see what various improbabilities, not to say impossibilities must combine before that period can arrive."

This is the language of the noble Lord, the Member for Tiverton, as to what might possibly happen in a state of nicely balanced parties where it was convenient to obtain the aid of the Roman Catholic party.

The noble Lord further said, "I will suppose a government hard pressed to carry some measure of their own, or to resist some measure of their opponents, were to purchase the support of the Catholics by proposing to introduce changes injurious to or subversive of the Protestant religion. In the first place, the consent of the Sovereign on the Throne, who by law is a Protestant, must be obtained. But I will suppose, for the sake of argument, that which I hold to be impossible," (it is certainly very hard for hon. Members to say what is impossible.) "I will suppose, for the sake of argument, that which I hold to be impossible, that an English Cabinet should agree to advise, and a Protestant King should be found to sanction such a measure, yet the very foundation of the supposed case is a weak Administration tottering in their seats, and certain of support neither in the Parliament nor in the country. What, then, would be the effect upon such a Government of such a proposition."

Now, with respect to a proposition to weaken and injure the Protestant Establishment by an alliance with a small but compact Roman Catholic party, this is the opinion of the noble Lord, the Member for Tiverton, and it is my opinion and belief too:—

"That the effect would be to give instantly to their opponents ten times the strength which their profligate bargain would have purchased from the Roman Catholics. Every honest and independent Protestant would unfurl his standard, and their adversaries would raise around their heads a storm of public indignation which would sweep them from their places with ignominy and disgrace."

This was, in the year 1829, in the opinion of the noble Lord, the Member for Tiverton, the fate, and the well-merited fate, which would fall upon any Administration which should be, as the noble Lord said, profligate enough to entertain a proposition for the injury or subversion of the Established Church. I will not use terms so strong as those which the noble Lord used, but this I will say, that while I believe the bulk of the people of England is firmly determined to do full and substantial justice in respect to the civil rights of their Roman Catholic fellow-subjects, in common, I believe, with the vast majority of the people of England, I entertain a fixed and unaltered determination to maintain and uphold the Protestant Establishment of this country.

Debate again adjourned.

STIPENDIARY MAGISTRATES, IRELAND.] Viscount *Ebrington* said, that in order to set at rest the recent disputes upon the subject, he begged to move for a return of the appointments of all the Stipendiary Magistrates in Ireland, from the 1st January 1839, to September 1, 1841, with the dates of their appointments, and of the periods when any of them were removed from service.

Lord *Eliot* said, the statement made by his noble Friend behind him was on the authority of a memorandum with which he furnished him, and he was responsible for it. In consequence of the observations of a noble Lord elsewhere last night he had thought it right to make a more searching inquiry. The result was, that seven magistrates had been appointed, but he found by the *Dublin Gazette* that three of the magistrates appointed within the last three months of the late Administration were to fill vacancies which had taken place. But there was an addition of seven magistrates made in the course of 1841. In the year 1839 there had been fifty-seven magistrates. The year 1841 had been a year of perfect tranquillity; but still in that year there had been an increase of seven Magistrates, and four of them were appointed within five weeks of the dissolu-

tion of the Government. He thought he had now accounted for the error into which he had been led. He had, however, stated correctly, that seven magistrates were appointed in the eight months, and four of them were added within five weeks of the dissolution of the Government.

Mr. *Labouchere* had heard, with regret, the speech of the Secretary for the Home Department. He had brought a grave charge against the late Administration in Ireland, founded on facts which, it appeared, were not accurately stated. The gravamen of that charge was, that seven magistrates were added to the number of Stipendiary Magistrates in Ireland, under circumstances leading to the imputation that they were so added, not for the benefit of the people of Ireland, but as a job on the part of the Government. It now appeared that so far from these seven being additional nominations, three had been vacancies which had been filled up by the late Government. He much regretted the absence of his noble Friend Lord Morpeth, since he was sure he would have been able to give a still more satisfactory explanation on the subject.

Motion agreed to.

House adjourned.

HOUSE OF LORDS,

Monday, February 19, 1844.

Minutes.] Bills. *Public.*—1ª. Patents Amendments. 2ª. Witnesses Indemnity (Gaming); Offences at Sea. 3ª. and passed:—Metropolis Improvements.

Petitions Presented. From Frome, and Denbighshire, against Union of Sees of St. Asaph and Bangor.—From Drogheda, for Amendment of Municipal Corporations (Ireland) Act.—By the Earl of Yarborough, from Scrafield, and Hameringham, and 15 places, for Protection of Agricultural Interest.

Gambling Transactions. — (Witnesses' Indemnity.) The Duke of *Richmond*, in moving the second reading of the Gambling Transactions Witnesses Indemnity Bill, said that the object of it was to afford indemnity to the witnesses called upon to give evidence before the Committee to which the Penalties on Horse-racing, &c., Repeal Bill had been referred. The Committee had found it impossible to make a searching inquiry into Gambling without the examination of persons implicated in transactions for which they were liable to prosecution; and it could hardly be expected that, under such circumstances, they would come forward and give evidence in such matters, when by doing so they would be subject, ing themselves to pains and penalties, unless they were protected by a Bill of Indemnity. He was glad to find that the other House had appointed a Committee, and he trusted that their united efforts would end in the adoption of such steps as would put an end to that excessive system of Gambling, against whichhe, in common with the people of this country, entertained the strongest objections, and should be most happy to put down. He hoped by means of the Committee of the other House they would be able to remove the prejudice which existed, that the measure for putting a stop to the *qui tam* actions was brought forward as a protection to the rich and not to the poor: such was not the fact, and he regretted that truth obliged him to state that there was more gambling amongst the lower than the higher classes. He hoped they would be able to procure such evidence before the Committee as would enable them to legislate efficiently on the subject, and to prevent Gambling so far as it could be prevented by legislation among all classes.

The Judicial Committee of the Privy Council.] Lord *Brougham* observed that he had stated the other evening that he intended to bring in a Bill for the purpose of meeting the case of a noble Friend of his (the Earl of Dundonald), and extending the duration of his patent for Steam-Engines for a certain time. He had since thought that it would be better to introduce a general measure on the subject. He thought it was advisable to consider the whole law, not as regarded each particular case, but as affecting the jurisdiction of the Judicial Committee of the Privy Council, and their power to extend the duration of a Patent in every case, as well as in that of the Earl of Dundonald. He had framed the Bill which he held in his hand with that particular object. By it he proposed that on an applicant presenting a Petition to either House of Parliament for an extension of the term of a Patent, that that House should refer the subject to a Committee for examination, or hear evidence at its Bar on the subject. And if the House thought that a case had been made out, that it should address the Crown on the subject matter, and pray the Crown to take the case into consider-

ation. Then, if the party applying for an extension of his Patent presented a Petition to the Crown, the Petition will either be rejected on the advice of some responsible Minister of the Crown, or submitted for consideration to the Judicial Committee of the Privy Council, which body was to be empowered, if the case of the Petitioner was made out, to extend the duration of the Patent for some years. He doubted, however, whether it would not be better to have a joint Address of both Houses to the Crown on the subject, but at any rate he should prefer an examination before a Committee of the House of Lords, for there the witnesses could be examined on oath.

Lord *Campbell* said, that he approved of the principle of the Bill, but he wished to suggest to his noble Friend the propriety of making his Bill more general, for the purpose of extending the jurisdiction of the Judicial Committee of the Privy Council. He thought that this was only one subject with respect to which there should be an extension of jurisdiction. He thought, also, that the Judicial Committee should have the power of extending the term of a Patent for a longer period than his noble and learned Friend proposed. He thought that the power of extending the duration of a Patent for fourteen or even twenty-one years might safely be intrusted to this Tribunal, from the nature of its constitution. There was, however, another point of great importance, connected with the jurisdiction of the Judicial Committee of the Privy Council which it would be well to consider whether or not they should introduce into this Bill. The point he alluded to was, whether it would not be advisable to intrust this tribunal with the power of granting divorces *a vinculo matrimonii*. He had always thought that cases of this kind were not proper matters for Parliament. The business for Parliament should be confined to objects having reference to the affairs of the Empire, and its time should not be taken up in dealing with cases of adultery. It should be left to a court of justice to say whether a marriage should be dissolved at all; and he knew no better tribunal for that purpose than the Judicial Committee of the Privy Council. By giving this power to this Judicial Committee, they would render the law accessible to the poor as well as to the rich, and they would enable the poor to obtain a remedy for an injury which was now only to be had by the rich. He, therefore, would suggest, that instead of the present Bill being passed, which had only one object in view, a general Bill for extending the jurisdiction of the Judicial Committee of the Privy Council should be introduced, and that that tribunal should not only be enabled to extend the duration of a patent, but also should have the power of dissolving a marriage.

The *Lord Chancellor* thought it would not be advisable for his noble and learned Friend to mix up two subjects so dissimilar as the law of Patents and the law of Divorce in the Bill now presented to the House. If, however, his noble and learned Friend would bring in a Bill on the subject of Divorce, and its adjudication by the Judicial Committee of the Privy Council, it should have his best consideration.

The Marquess of *Lansdowne* would take that opportunity of stating, that in opposing the grant of large powers to the Judicial Committee of the Privy Council, when the Bill giving these powers was before the House, he was actuated solely by a prudential motive in going step by step where a new tribunal was being constituted. He should say that the Judicial Committee of the Privy Council would be an infinitely better tribunal for this sort of business than that which now existed. It would have also another great recommendation over the present system—that of cheapness, and the law would then be protective, not, as now, to one class alone, but to the whole country. He denied that the impediments thrown in the way of the poor man getting a divorce tended to improve the morality of the country; on the contrary, he was satisfied that it had a directly contrary effect. Before, however, they parted with their own jurisdiction on this subject, it would be well for Parliament to take care and consider whether the proposed tribunal would be a better one than the present.

Lord *Brougham* wished only to observe, that the suggestion now thrown out by his noble and learned Friend had not escaped the attention of the framers of the Bill constituting the Judicial Committee of the Privy Council. There was in that Bill, as originally introduced, a clause not exactly giving the absolute power to the Committee of the Privy Council to grant divorces, but giving to it power to inquire and report in all cases of application made

for bills for divorce in consequence of adultery—making it, in fact, ancillary to the proceedings of that House. His plan would be, never to part with the jurisdiction now possessed by that House, but that the Judicial Committee might report to the House, and under the sanction of the House, give its judgment in these cases; because he was then, as now, very jealous of transferring or narrowing the jurisdiction which belonged to them. The noble Marquess said at that time they were going too far, but now that they found the system work so well, he thought they might go a little further. They then had founded a totally new tribunal, and it was impossible to tell how it might work. He thought that after three years' experience, and finding that in other matters it worked well, they might give it a *quasi* legislative power in cases of divorce. He thought that in the present instance, they had better go on step by step, and if they adopted his proposal with respect to the extension of the term of Patents, that they might take up the other subject. But with respect to that subject, it was a most delicate subject, and was connected with details of the utmost difficulty; such, for instance, as the making provision for the divorced wife—it required the greatest care and deliberation. In his opinion, the course hinted at by his noble and learned Friend (Lord Lyndhurst) was by far the most judicious. He (Lord Brougham) would frame a special Bill for this object, which he should propose should be referred to a Select Committee, when they would obtain the assistance of the Judges of the Consistorial Court, the right rev. Prelates, the Common-law and Equity Judges; and he trusted that the result would be that they should be able to attain the point aimed at, and make the law as available to the poor as it now was to the rich. Certainly, as the law at present stood, it was a remedy for the rich, and not for the poor, not only to the wrong of the party, but to the great injury of the morals of the poor.

Lord *Campbell* said, he should be the last person to transfer the powers of that House or of Parliament to the Privy Council or any other body. The question, however, of a divorce *a vinculo matrimonii*, he thought ought to be referred to a judicial tribunal; and he could conceive none better for industry and quickness than the Judicial Committee of the Privy Council. He could not bring himself to think that the usual proceedings in such cases were conformable with the proper functions of that House of Parliament.

Lord *Wharncliffe* said, that, after the divorce was obtained, then came the question of whether the parties should be allowed to marry again? That he apprehended to be a question for Parliament alone. Again, the future provision to be made for the divorced female was always a matter which was narrowly looked to by that House, and there would be great difficulty in transferring this power to another tribunal. Under these circumstances, the expenses of such proceedings would not be diminished, inasmuch as in the first place, a trial must be had, and then a Bill in Parliament.

Lord *Redesdale* did not think much expense would be saved by taking questions of this kind before the Judicial Committee of the Privy Council, except, perhaps, as to the duration of the inquiry. Before the Privy Council, such case would be probably disposed of in one day, whereas before their Lordships' House the inquiry would occupy a longer time. There was a subject connected with this matter, which was worth their Lordships' consideration; namely, the expense of passing divorce Bills through Parliament. This expense arose chiefly from the fees to which the solicitor, agent, and every person who was concerned in passing a Bill through Parliament were entitled. These expenses were not incurred in one stage only, but were repeated in every stage of the Bill, and it was a matter well worthy their Lordships' consideration, whether something could not be done towards reducing these expenses.

Lord *Brougham* said, the subject was well worthy the consideration of the House; he knew an instance in point himself. He was one of the trustees to an estate, respecting which a Bill had lately been obtained from Parliament. The trustees had just received a bill of 367*l.*, that being the parliamentary agent's bill alone. Upon this Bill, not a single witness had been examined, and there was not the slightest opposition to it. The whole expenses of this Bill, which was unopposed, and merely obtained for the purpose of granting leases, was 1,200*l.* He thought that this was a matter in which the House should interfere, as it operated as a denial of justice.

The *Lord Chancellor* repeated, that he had no objection to the principle of his noble and learned Friend's proposition, but he thought that it would not be advisable to mix up this question of Divorce with that of Patents. In cases of Divorce, he thought that in any case a Bill would be necessary for the purpose of enabling the parties to marry again.

COMMUNICATION WITH IRELAND.]—Lord *Monteagle* wished to obtain certain returns, relating to Holyhead Harbour, which had been laid before the other House. Rapid communication between this country and Ireland was so necessary that he need make no comment upon it. He wished to say one word with respect to Holyhead Harbour, although he did not wish to press the Government for a decisive answer, inasmuch as it was under the consideration of the other House just now, but he should urge upon the consideration of the Government, the great importance of having the utmost facility in the communication between this country and Ireland, and above all, at the present time. To give effect to this, it was essential that the harbour of Holyhead should be as safe as possible. He was induced to allude to this subject, because he felt the great interest which it excited in the public mind in Ireland.

The Duke of *Wellington* had no objection to the production of the papers. With respect to the improvement of Holyhead Harbour, he could not at present say anything on the subject; but there could be no object more interesting than to render the communication with Ireland as expeditious and convenient as possible.

THE COURT OF CHANCERY FEES.]—The *Lord Chancellor* laid on the Table an account of the Fees received in the Court of Chancery during the last year, and said, that he was happy to inform their Lordships, that, in consequence of the alterations in the Court of Chancery, the Fees of last year fell short of those of the preceding year, with the addition of the compensations now paid, the effect of which would be that the compensations continually falling in, the Fees would be greatly decreased, as compared with what they were before the alteration, previous to which the Fees were continually augmenting.

Lord *Campbell* said, that his noble and learned Friend had alluded to the prospect of the fees decreasing upon the death of the persons to whom compensation had been awarded, but as it had been stated, that the compensation did not cease upon their death, but that their executors would still be able to receive it, he was led to ask the noble and learned Lord how that was?

The *Lord Chancellor* said, it was not necessary for him to inform the noble and learned Lord how that was, for, no doubt, he had read the Act of Parliament, and he would find by a clause in that Act, that the compensation was extended to the widows and children of some of the parties, for a certain number of years.

Lord *Langdale* said, that it might be satisfactory for him to state, that the expense of conducting the new system, considering the compensation as part of that expense, was less than the Fees, which also were less than the charges upon the suitors during the old system.

House adjourned.

HOUSE OF COMMONS,

Monday, February 19, 1844.

MINUTES.] BILLS. *Private.*—1°. Lancaster and Carlisle Railway; Newbury and Great Western Railway.

PETITIONS PRESENTED. By Sir G. Strickland, and Mr. Hume, from three Peace Associations, against Increase in Military Establishments.—By Mr. Dickenson, and Mr. S. Wortley, from Salford, and other Unions, for Amendment of Poor-law.—From Erbistock, against Union of Sees of St. Asaph and Bangor.—From Kingston-upon-Hull, against Small Debts Bill.—By Sir J. Trollope, from Great Driffield, and Holbeach, in favour of Corn-laws.—By Mr. S. Crawford, from Reading, and 4 places, for withholding the Supplies.—From Dublin, that the Parties found Guilty at the recent State Trials be Excluded from Legislation.—From John Robertson, respecting Merchant Seamen's Fund.

LAW OF CONSPIRACY.] Mr. *T. Duncombe* wished to put a question to the Attorney-general, which was of great importance to all those connected with public Associations in this country and Ireland. He understood that certain proprietors of newspapers in Ireland had withdrawn their names from the Repeal Association, and stated that their reason for doing so was in consequence of Chief Justice Pennefather having laid down the principle that the whole Association was responsible for any articles which might appear in any newspapers, the proprietors of which were members of the Repeal Association. He (Mr. Duncombe) had seen letters in the newspapers, from Mr.

Barrett, proprietor of the *Pilot*, and from Mr. Gavan Duffy, proprietor of the *Nation*, resigning their connection with the Association on those grounds. He (Mr. Duncombe), therefore, wished to ask the Attorney-general whether the publication of an article by any member of an Association was sufficient to inculpate the Association, and whether the Association might be indicted for conspiracy on that account?

The *Attorney General* said that the hon. Member for Finsbury had been kind enough to communicate to him his intention of putting that question, and in answer he begged to say that he had no doubt the proprietors of the newspapers in question had been well advised, and that they exercised a sound discretion in retiring from the Repeal Association. With regard to the extent to which an Association might be affected by the publication of an article on the part of any of its members, it would be impossible for him (Sir F. Pollock) to form a judgment upon the general question whether everything that appears in every newspaper was to affect every member of any Association with which the writer of the matter was connected, unless he knew what the Association was, what were its purposes, what was the object of the publication, and what use had been made of it.

Mr. *Elphinstone* said, he was a member of the Anti-Corn-law League, for the purpose of doing away with monopoly. There was a paper published in connection with that League, and he wished to know if he was liable for any articles which appeared in that paper.

The *Attorney General* said, the hon. Member had addressed his question to him, but he did not know that he was entitled to the honour of such a distinction. He would strongly advise the hon. Member to take the opinion of his ordinary professional legal adviser.

Mr. *Hindley* was not satisfied with the answers which had been given by the Attorney-general. He (Mr. Hindley) had consulted his professional adviser as to the legality of the Anti-Corn-law League, and that Gentleman informed him that it was perfectly legal. But if the Attorney-general were directed by Her Majesty's Government, after ten or eleven months had elapsed, as in the case of Mr. O'Connell, to prosecute him, it would not be enough that his legal adviser had already given his opinion. He wished, therefore to ask the Attorney-general whether the Anti-Corn-law League was a legal Association?

The *Attorney General*: If the hon. Member put to him any question with regard to the hon. Member himself, he would at once answer it, and without a fee; but he did not think that by answering all those questions he should be properly occupying the public time.

Turnpike Trusts.] Viscount *Ebrington* wished to ask the Secretary of State for the Home Department—whether it were the intention of Her Majesty's Government to bring in a measure during this Session on the subject of Turnpike Trusts?

Sir *J. Graham* said, that it was the intention of the Government to bring in a measure of that description. The subject had been brought under the consideration of the Commission to inquire into the disturbances in South Wales. The Government expected the Report of that Commission in a very short time, and he thought that it would be of great advantage that they should see that Report before the measure was brought in.

State of Ireland—Adjourned Debate (Fifth Night).] Mr. *Horsman* resumed the Adjourned Debate, and said, it had been admitted, on all hands, that we had arrived at a great crisis in the affairs of Ireland, and he should support the motion of the noble Lord, because he thought that an inquiry was imperatively called for. There were certain facts on which no difference of opinion existed. It was admitted, that three years ago, Ireland had been handed over to hon. Gentlemen opposite in a state of peace and tranquillity. The habits of the people had improved, troops had been withdrawn, the administration of justice was respected, and the Repeal cry was, comparatively speaking, unheard. Now, however, the Repeal cry had become a national cry. More troops had been sent to Ireland, and the country was covered with garrisons; as if the Government intended to act upon the announcement made last year, that conciliation had been carried to its utmost extent. The hon. and learned Member for Cork had been prosecuted to conviction, and that hon. and learned Gentleman was now only awaiting the sentence of the Court, which would consign him to a gaol. By what means had that conviction been obtained?

The right hon. Gentleman had boasted the other night of his moderation and fairness; but he (Mr. Horsman) must confess, that he had never known of any proceedings in which moderation and fairness had been more completely dispensed with than in the recent prosecutions in Ireland. He would not dwell upon the *animus* which had been exhibited throughout these proceedings by the learned Gentleman who had represented the Government—to the extraordinary preliminary boasting by which the case had been prejudged. He would not speak of the calling upon one of the counsel for the traversers to produce his licence, or of the insisting upon the presence of the traversers in the Court during the whole of the proceedings. These were all extraordinary and vexatious proceedings, but they were matters personal to the Attorney-general. But why was the list of witnesses on the back of the indictment not furnished to the traversers? It was essential to the defence that they should be furnished with the list, and he would ask the Attorney-general for England, if, in the whole course of his professional experience, he had ever known an instance in which the list of witnesses had been refused? He would ask the Attorney-general, if he, under similar circumstances, would have refused the list? Then the application for a copy of the Jury List, which was equally necessary to the traversers, in order to prepare their challenges, was also refused. The Sheriff had transmitted that list to the Home-office, and had offered to furnish a copy to the defendants, if the Attorney-general would consent, but that consent had been withheld. What reason could the right hon. Gentleman have had for such refusal? Was it not to be presumed that they were acting under the instructions of the Government? The production of those documents was essential for the defence of the traversers on their trial, and yet those documents had been refused. Then, with regard to striking off the names from the Jury List, how had they proceeded? It was said that eight of those who were struck off were Repealers. He took that statement as it was made, but there were still four others who were to be accounted for—two Roman Catholics and two Liberal Protestants. He should like to know why it was they were struck off? The Government, by the proceedings which they adopted, succeeded in keeping twelve men on the Jury who combined the threefold elements of being Protestants, Anti-Repealers, and Conservatives. With regard to the omission of the names from the general list, though it might have happened through accident that they were left out in the first instance, the Government took care to avail themselves of the error, and they forced on a trial with an incomplete Jury List. It was laid down by Bacon as a maxim of law, that if a man found a door open and entered, and having purloined something, broke out through a different way, he was guilty of burglary. This, he maintained, was applicable to the case of Government with respect to the missing List of Jurors. They had entered the house, and taken the names of several jurors, and having done this first injustice, they proceeded to strike off all the Liberals who remained. This was one of the causes why the verdict was regarded as a false verdict, and did not give satisfaction to the country. No moral results could follow from such a verdict, and if no such results did follow, let him ask what would be its practical results? It was said that it had the effect of restoring peace to Ireland. He would not admit that the peace of Ireland had been broken. Could any one point out the instance in which there had been a single case of violation of the peace resulting from the late meetings in Ireland? Hon. Gentlemen on the other (the Ministerial) side might regard Ireland as at peace because she was now held, he might say, in military occupation by this country, but her safety could not be fairly said to depend even on that occupation. It would depend rather on the state of peace or war in Europe. If the peace of Europe should be broken, and that in a state of European warfare England should continue to trample on Ireland, she could do so only by truckling to France, while she played the bully at home, she must play the coward abroad. There was a spirit now prevailing in Ireland which the right hon. Baronet at the head of the Government did not read aright. He would do well to consider that spirit. It was a spirit which before now had been seen in England, in Scotland, in America. It was a spirit like to that by which England got the Charter of her liberties, and by which Scotland established the independence of her Church. It was a spirit like to that which Lord Chatham said he rejoiced to see in our American Colonies, and by which they eventually obtained their independence; and let him (Mr. Horsman) add, and let him tell the right hon. Baronet, it was a spirit with

which great men might sympathise, which good men might extol, which the wisest statesman would do well to consider, and at which the boldest Minister need not be ashamed to tremble. Notwithstanding the vaunting of the right hon. Baronet the other evening, he did not think there was a man in the Empire who had so much cause for anxiety. To whose hands had the government of Ireland been intrusted? Under what circumstances had the Clontarf Proclamation been issued? Hon. Members talked as if an attempt had been, or was to be made, to wrest by force the Executive powers from the Government of Ireland. A Council was summoned at the Home-office. To that Council were summoned the Lord Lieutenant, the Lord Chancellor, and the Attorney and Solicitor-general for Ireland, but the Prime Minister for England was not summoned to attend that important meeting, though the Council were in deliberation for four days. He saw many causes of alarm in the present state of affairs in Ireland, and his alarm was not at all lessened by the manner in which they were treated by the Government. To him it appeared, that no man could seriously contemplate those causes without great alarm. It was not his intention, however, at that time, to enter into any detail with respect to many of the grounds on which Ireland complained. Those would become fit subjects for inquiry; but he might say that they were all greatly aggravated by what was most generally complained of, namely, the want of sympathy for them amongst the English Members. Every evil which had ever been felt by Ireland was in some degree owing either to English bigotry or English dislike. We had hitherto denied all the claims of justice; but now the question of justice to Ireland was combined with our own interests. It was now no longer an Irish question. It was a question involving the best interests of the United Empire. Let him add his belief with respect to the late trial, and the manner in which it was conducted, —that if similar prosecutions were carried on in the same spirit against as many Chartists, there would have been produced a sensation from one end of the country to the other. Petitions would have been poured in from all parts of the country, and the business of the Legislature would have been brought to a stand-still, until the evils complained of should be redressed—and most properly would this have been insisted on, for why should not justice be equally administered on the Irish as on the English soil. Let him, then, earnestly impress on English Members, that this was now a case affecting them. It was one in which the unity and integrity of the Empire were at stake—one with respect to which the eyes of Europe were upon them, and through which the very existence of the Empire as an independent State might be compromised. He would conclude by reading to the House an extract from the opinions of a distinguished historian, a writer whose authority on such subjects stood exceedingly high, and deservedly so, because he was one of the calmest, most philosophical, and impartial writers, that ever undertook to record the events of his age. The passage he meant to quote was from Niebuhr's posthumous works:—

"The old relations of Ireland to France, and her very pardonable hatred to England, combined with as much of blind and hot passion as of jealousy, must always continue circumstances pregnant with danger to England. But that very warmth of blood and temperament which renders the injured Irishman so jealous, lightens the difficulty of winning him over, and the only true guarantee for retaining the fidelity of a people in no wise to be despised, is the cordial and thorough reconciliation and uniting of the two countries, not by any compulsory assimilation, but by interests acquired, dangers overcome, and glory enjoyed in common. Should England, however, not alter her bearing, should she give coldly and hesitatingly, delaying for months, with a niggard hand, what she ought to give of herself cheerfully and at once—should she only admit from time to time some small inroads on her tyranny, Ireland may yet continue to obey her for some time, but not for ever, and the loss of that country would be the death-day, not only of the greatness, but of the very existence of England."

Mr. *S. Herbert* said, he heartily concurred in the opinion which had been expressed, that it was the duty of those who wished for the welfare and happiness of Ireland, fearlessly to come forward and state their opinions as to the evils which affected that country, and the remedies which would be likely to remove them. He must say, that he himself, standing in that House as he did, as an Irish proprietor, and therefore feeling a deep interest in the prosperity of Ireland, felt much regret at the tone and manner in which the question had been submitted to the House. He had hoped, when he saw the original announcement on the Paper, that this question was to be brought forward for discussion by the noble Lord, of whose statesmanlike quali-

ties no man in the House had a higher opinion than he—he had hoped that Ireland was not again to be made the battle field of party; but that both sides would discuss the subject with a view to co-operate, and not with a view to find out how we might differ or how perpetuate dissension. Upon this question, although he should not trespass long on the time of the House, he felt bound to ask its attention for a few moments, because, if he differed from the Government as to the policy that had been pursued—if he thought that their measures were not calculated to promote the tranquillity and welfare of Ireland, no party ties, and no personal considerations would induce him to hesitate for one moment in avowing his dissent. Before he proceeded, he must be allowed to congratulate Gentlemen on his side of the House, that at any rate the charges which had been made against the Government were now admitted to be unfounded, although it was true that the hon. Gentleman who had just sat down, had repeated the charges originally made by the noble Lord with respect to the conduct of the Government in the prosecution of the Trials; but which the noble Lord the Member for Sunderland, with that frankness and absence of party spirit which characterized him, admitted had not been established, and the right hon. and learned Member for Devonport, although making much more of a party speech, had said that the strong case made out by the right hon. Baronet the Secretary for the Home Department was an answer to the charges which had been made against the Government as to the conduct of the late Trials. That right hon. Baronet had acquitted the Government of unfairness; in fact, had it not been for the speech of the hon. Gentleman, the Member for Cockermouth, it seemed to be the only point on which hon. Gentlemen opposite agreed. Nay more, there was one sentence in the speech of the noble Lord the Member for London, which seemed to intimate that he thought that in the circumstances under which Ireland was placed, it was necessary that something should be done to assert the majesty of the law. The noble Lord had said, that he was not prepared to deny that sedition ought to be repressed. He thought that was a great admission coming from the leader of a party which inculpated the Government, and who had never been very remarkable for their power of distinguishing between liberty and licence. So much for the charges of unfairness with respect to the late Trials. Another charge which had been made against the Government was, that they were not popular, and that that arose out of their distribution of patronage. He did not stand there to deny every thing that had been urged on the opposite side. He was free to admit, that in Ireland there was not any great enthusiasm in favour of the present Government. But they must recollect what had been the policy pursued with respect to Ireland for the last few years. There was nothing easier than for a Government to obtain popularity. They had only to throw themselves at once into the hands of any extreme party, and if shouting were to be the test of popularity, there would be noise enough. There would be enough of throwing up of caps. There would be a loud cry of exultation on the one side, but the silence of terror on the other. He had heard, in a former Session, an hon. Member on his own side of the House, express a wish that Ireland might in the present day be governed in the spirit which had guided the counsels of Tyrconnel. He did not concur in that wish. The government of Tyrconnel was one which had created general terror amongst one class of Her Majesty's Irish subjects, and had induced hundreds of Protestant families to emigrate from Dublin. A government of opposite opinions conducted in the same spirit he should equally deprecate, as he wholly disapproved of a system which gave to one party triumph and ascendancy over another. Gentlemen opposite, when they accused the present Government of unfairness and partiality, should recollect that they were blaming them for the want of virtues of which their Government had set no example. The Government of Lord Normanby had no claim to the title of an impartial Government. It had gained popularity by giving power solely and exclusively to one of the two great parties in Ireland. The noble Lord had spoken of the present Government not governing Ireland, but occupying it; but in the previous Government the patronage was all delegated to one man, and their popularity was only reflected from him, of whose actions they disapproved, but whose dictates they could not afford to disobey. He now came to the proposition which had been submitted to the House by the noble Lord the Member for London, and he must say, that he had been much disappointed at the smallness of those proposals. He at one time thought that the noble Lord hoped

to get his Committee by piqueing the curiosity of the House as to what he meant to do; but after ten years' gestation on the Treasury benches, in a situation, too, which not only gave him the power of proposing large measures, and with it the responsibility not only of what he did, but what he did not do; the noble Lord had brought forth a scheme so small as to make one suppose that even now the birth was premature. The whole plan of the noble Lord consisted of the endowment of the Roman Catholic Clergy, which at the same time he admits to be impossible, and a different distribution of Government patronage. With regard to the payment of the Clergy, the noble Lord had stated his views broadly and strongly, but no Member on his own side had supported him. The noble Lord had entered his strong protest against the voluntary system, but no one on the Opposition benches had echoed that protest. The noble Lord admitted that, so far as the pacification of Ireland depended on the measures he had to propose, there were no hopes, because those measures were impracticable. He regretted to hear the noble Lord say, that the endowment of the Roman Catholic Clergy was impossible. He had heard the same statement made by the right hon. the Secretary for the Home Department. He had heard it with much pain, because he must frankly state that he entertained the opinion that the Roman Catholic Clergy ought to be endowed by the State. He entertained that opinion, because he was anxious to see them placed in a situation above the necessity of taking part in political agitation. He believed it was a fact not denied, that in many parts of Ireland where an indisposition had been manifested on the part of the priests to join political agitation, it had been difficult for them to obtain their dues. He believed that the people had themselves protested against the amount of those dues, and that it was found necessary to superadd political enthusiasm to religious influence in order to obtain them. He had also heard of places in which, when political agitation ceased, this difficulty was renewed. This was a lamentable state of things, more especially in the Roman Catholic Clergy, as it was opposed to the very essence of their religion. The Roman Catholic religion was one so attached to order, that it had often been accused of being unfriendly to liberty. Such being the case he could conceive nothing worse than to see the clergy of a monarchical religion deriving their stipends from political agitation. He wished to see the ranks of the Roman Catholic Clergy filled from a higher order of men. The noble Lord had said, the lower the better, but when they recollected Mr. Burke's opinion on the necessity of religious instruction, when they recollected the temptations with which intellect in poverty was beset, when they saw the little respect with which the Clergy were treated in countries where they were of a rank little removed from the people, he thought it would be conceded that the Clergy should have among them cultivated minds, fit to exercise due influence not only over the poor beneath them, but amongst the rich with whom of right they may associate. At the same time he admitted that there were very great difficulties besetting the question. He knew the hostility that existed, especially among Protestant dissenters, to anything like a State recognition of what they deemed to be the errors of the Roman Catholic Church, and knowing these things, it would be unreasonable in him to call on any Government to propose measures which could only end in disappointment. He had hopes, however, from the certain slow progress of public opinion, that ultimately they would succeed. But, after all, taking this matter as hopeless, Government had proposed much more than the noble Lord opposite, measures more comprehensive, greater changes. Of course, he did not include the proposals of some of the noble Lord's supporters who differed from, while they supported him. He did not allude to the proposal of the noble Lord the Member for Sunderland, or that of the hon. Member for Sheffield, although he feared that either would be more agreeable to Gentlemen on that (the Opposition) side of the House, than the suggestion of the noble Lord the Member for London. Judging from the silence with which they received the noble Lord's proposals, while they received with much approbation the proposal of the hon. Member for Sheffield, it seemed as if they wanted something more pungent than the noble Lord's measure, something that would square better with the great aphorism of the hon. Member for Sheffield "Don't pay anybody." He (Mr. Herbert) accepted the proposal of the Government for legalising the gift of land to the Clergy, as the very best substitute that could be formed for their payment by the State. He had great hopes that not only by Roman Catholic, but by Protestant landholders ad-

vantage would be taken of that measure, and that it would be carried out in the kindly feeling in which it was proposed. If his view should turn out correct, he believed that many of the evils of Ireland would be healed. He looked also, with some satisfaction, to the measures for the advancement of education. He knew that there were many different opinions on this subject, as it was a matter that had been much discussed; but he must say he looked more to it than to any other legislative means for the amelioration of the condition of the Irish people. He thought it an extraordinary thing to see the Irish peasant come over to England to reap the harvest, associate with well regulated people, surrounded by artificial comforts, and then return, not with a bad impression of those he had left, for with that kindness of heart and gratitude for which, above all men, the Irish peasant was distinguished, he was sure to bring back the following year his present of whiskey to the farmer for whom he had worked, but return the same man he had left, having no wish for the comforts or the civilization he had witnessed. He could not help thinking that this was mainly attributable to the want of education. He took what the Government had proposed as an earnest of their opinion that in all civil matters there should be the fullest equality between the Protestant and Roman Catholic, fair and full equality, not a mere verbal, not a nominal but a full and honest equality, in spirit as well as in letter. He did not think that the Irish Roman Catholic was only to be satisfied by the spoliation of the Established Church. That Church was not now supported by the Roman Catholics, it was supported by the landholders, the mass of whom were Protestants, and was done too without any increase of rent, for he was sorry to say that in most parts of Ireland an increase of rent was impossible. He did not assert that there was not room for improvement in the Church in many points particularly as to its distribution, but he certainly did not think that the Roman Catholics, as a body, looked to the spoliation of the Established Church, as a condition of their tranquillity. There was only one point more on which he would trouble the House. It appeared to him that, of all the symptoms he had seen from which a man might augur a better state of things, the best was the tone which had generally been adopted in that House with respect to religious differences. There was one—but one—speech which he had heard with regret—one from a Roman Catholic gentleman of great ability, one of those men to whose co-operation they must look for the amelioration of his country. He had much regretted to hear that gentleman adopt the tone of bitterness with which—sometimes with truth—Gentlemen on that (the Ministerial) side had been reproached. Now, however, there could be nothing more pregnant with hope for the future, than the tone in which Gentlemen on that side had spoken of their Roman Catholic countrymen. He confessed that he had heard with much pleasure the speech of the hon. and gallant Member for Donegal (Colonel Conolly), delivered with much racy wit and humour, and full of kindness to his Roman Catholic countrymen. Such facts argued more, in his opinion, for the restoration of tranquillity than any legislation that could be devised. He was not so presumptuous as to set himself up as the mouth-piece of the Irish landlords, but he believed he might say for them, as he could on his own behalf, that they were most anxious to co-operate in anything that might tend to the benefit of their common country. He had made these observations, he had intruded on the House to make them, because of the deep interest he took in the question, and he had looked with great interest for the proposals which Government might be enabled to make. He had heard those proposals, and he could give them not the lukewarm vote of a subordinate in office, but his earnest and hearty advocacy.

Mr. *Smythe* rose for the purpose of explaining a sentiment in a speech which he made last year, and which had been alluded to by the hon. Member who had just sat down. It had been said, that he wished to see Ireland governed in the spirit of Tyrconnel. Such a sentiment was never expressed by him. He said the very reverse. What he said was, that while he disliked both extremes, he preferred seeing Ireland governed in the spirit of Tyrconnel rather than that of Cromwell: but he disliked both extremes —persecutions and prosecutions, on one hand, and undue truckling to the Roman Catholics on the other. He could not give his vote on this occasion without expressing a hope that the Government would come forward with some well-timed measure—such as the settling of the relations between landlord and tenant, which, if brought forward in a spirit like that which

animated the concluding remarks of the hon. Gentleman who had just sat down, would renew the link which should subsist between the people of Ireland and the people of England. He hoped the Government intended to move and bring forward this and other measures, and if they did so, he did not despair of seeing the Irish people once more looking to them for sympathy, and not prepossessed against them.

Mr. *John O'Connell* wished to observe, in reply to the remarks that had been made relative to the Catholic Clergy of Ireland, that the Catholics of Ireland were justly satisfied with their Clergy as they were. The people of Ireland revered their priesthood as they deserved to be revered, for their piety, their excellence, and their virtues. He fearlessly challenged the hon. Member, or any hon. Member of that House, to point out a priesthood so pure, or so devoted to their religious duties, or so worthy of admiration, as the Catholic priesthood of Ireland. The hon. Gentleman had, indeed said, that the Catholic religion was essentially monarchical. With all due respect, he must say, that the characteristic more peculiarly belonged to the religion of the hon. Gentleman himself, because with him it would be found, that the head of the Church was also the head of the State. Catholics considered it a decisive proof of the divine origin of their religion, its admirable adaptability to man in every stage and phase of social existence. That religion nurtured and fostered in Belgium those principles of rational liberty, that were now being so admirably worked out in that country. On the other hand, in America, the Catholic religion was supplying the element of order, whereby would be checked the wild overgrowings of democratic liberty. Its action in Ireland was two-fold: it restrained the people by its holy precepts from letting themselves be hurried into crime, by the stinging impulses of their wrongs and wretchedness: while it encouraged and cheered them on to peaceable but earnest efforts for the legislative independence of their country. He (Mr. J. O'Connell) had not, however, risen to answer hon. Gentlemen at the other side. He had risen as one of those, who, in the early part of the debate, had been styled "convicted conspirators." He did not acknowledge the justice of that designation, unless it could be considered as a conspiracy for men to labour to their utmost to discharge the duty which they owed to their country, which was the next in importance to that which they owed to their God. As one of these "convicted conspirators," he rose to speak, perhaps, his last words in that House—to make his parting declaration before he returned to Ireland, to meet and to incur the vengeance of the right hon. Gentlemen opposite. He said to incur their vengeance, for he should continue to exert himself with as little ability, perhaps, but with more ardour and zeal than ever, to incur their vengeance, by exerting himself in the cause of his country. He did not rise for the purpose of offering any apology, or urging anything in palliation of that for which he, amongst others, had had the honour of having been convicted. If he urged any thing on that point, it would only be to call upon every man in Ireland, who had not yet joined the Repeal movement, to act as he and his companions had done—to devote their liberty, their property, and, if needed, their lives, as he and his companions had done, and were ready to do—to restore to Ireland that independence which was her inalienable right. He did not, however, rise for the purpose of making any particular reference to himself. He rose, rather, for the purpose of asking the people of England, what, after all, had been gained by the course which Ministers had thought proper to pursue? What were the fruits of their victory? What had been gained? Had the Repeal of the Union been checked in consequence? No: for he could assure them that two years of the most ardent agitation could not have given that advance to the question which it had now received. Such agitation could not have given so strong a hold upon the minds of the people—so strong a hold upon the classes above the people, as the late prosecution had given. But then, had it strengthened the connection between the two countries? Now, he was one who most sincerely and conscientiously believed, that the connection between the two countries, if based upon the fair and honest terms of perfect equality, was that which would tend most to the prosperity of the two countries, and that must tend and be conducive to bring about those blessings that seemed intended for them by Divine Providence. Having this feeling, he approached the consideration of

the subject uninfluenced by any feeling as to what occurred, or might occur, hereafter; if he had, indeed, any feeling at all on that point—it was this—that he, who was young and strong, and able to bear imprisonment, might receive the heaviest meed of punishment, while the same might touch but lightly on those on whom there rested the weight of years, and who had borne many labours in the cause of their country. Having, however, expressed his opinion as to the connection between the two countries, he asked whether the course pursued by the Government was calculated to strengthen the feeling in favour of a connection between the two countries in the minds of the people of Ireland? He was not now about to go through a history of what had occurred. He should but give the briefest summary of it. The people of Ireland had been informed last year, that they had nothing to hope from the Government—nothing to hope from that House. They were thus informed by no Agitator, by no Repealer, by no Whig, by no gentleman, however strong might be his opinions, who was a private Member of Parliament — but they were informed of it by no less a person than the right hon. Gentleman, the Secretary of State for the Home Department. It was that right hon. Gentleman who told them that "concession was at an end." What, then, was the course adopted by the people of Ireland when they had heard that insulting declaration? Did they resort to violence, as many other people might have done? No; they betook themselves to constitutional agitation. They betook themselves, in their numbers, to what were called "monster" meetings, but to which the phrase "sublime" would be more befitting. Those who were grievously oppressed by tyrannical landlords—those who were but one degree removed from perishing of want—those who were suffering the most dire privations, met in their peaceful, their vast, and their legal assemblies, to talk of their wrongs, to be advised, to be warned against any breach in the law, and to trust in the powers of the Constitution to redress their miseries. The only course, then, pursued by the people of Ireland was to hold open and public meetings. That there was good order at those meetings was now confessed on all hands, even though what was called a high authority in Ireland had declared that "those meetings had an inevitable tendency to outrage." There had been forty such meetings, and yet there was no outrage at any one of them, excepting perhaps, at one, when a ginger-bread stall was overturned. Not a blow had been struck—not an offence had been given—not an accident had occurred. Such was the order observed, that females mixed in them perfectly unalarmed. He had himself seen, when in company with the Member for Cork, and that their carriage was pushed up the hill of Tara by the crowd, rather than drawn by horses—even in that situation he had seen young mothers, with their infants in their arms, as tenderly taken care of, as kindly taken, as if they were in the midst of their own families, and at their own fire sides. All these meetings went on without the slightest accident. But, then, those opposite might say, that the Irish should have come to Parliament—why did they not resort to Parliament—to that Parliament in which they were informed that concession had reached its limits. An hon. Member did make an appeal to them—the hon. Member for Limerick, who he was proud to call his friend, for he had proved himself to be the true friend of his country. That hon. Member did make an appeal to Parliament and they were aware that all he asked for was an inquiry into the griefs of Ireland, and it was refused by an overwhelming majority. Nay, even that majority was taunted by a base and infamous press, for affording to the hon. Member for Limerick that treatment which one gentleman always calculates on experiencing from another. He had read in the press of London, supporting the Ministry, the taunt that the majority in that House had been commonly civil to the hon. Member for Limerick. The Government, then, had allowed these meetings to go on. They had given no notice to the people that they were illegal; but at the eleventh hour, and when the series of meetings was nearly exhausted, they then came out with a proclamation to prevent the meeting at Clontarf. Of that proclamation he felt it difficult to speak even now; but at this time, and in the heat of feeling, it was his conviction, that those with whom it originated had murder in their intention. He had endeavoured to divest his mind of that feeling, to abandon the notion that men, who bore the name of Christians, should have contem-

plated anything so guilty; but this he said, that if it had been the intention of the originators or authors of that Proclamation to have a massacre at Clontarf, they could not have gone better about it than they had done. It had been stated by the right hon. Baronet, the Secretary of State for the Home Department, that the Proclamation had been placarded at three o'clock on Saturday evening, at the most distant parts of the country. He was sure that the right hon. Gentleman believed what he said, but he could assure him that such a statement was not correct. The Proclamation was not in the hands of the Lord Mayor of Dublin until four o'clock that evening. It was not posted at Blackrock, where he himself resides, and which place could be reached in ten minutes, by the railway, until it was too dark to read it. He might also add, that the lamented and revered Mr. Tyrrell lost his life, from the lateness of the hour at which the proclamation reached his parish, which was in the vicinity of the intended place of meeting. His parishioners were in bed, and he had, for their sakes, though in bad health, to rise from his bed, to expose himself to the air and the cold; and it was by the labours of that night, in his endeavours to save his parishioners from the massacre that otherwise might have occurred, that his death was caused. It might, indeed, be seen how little notice the people had of the Proclamation, when, despite of all the efforts of those who had influence with the people, an enormous crowd did actually assemble at Clontarf on the occasion—of course, it was much less than what otherwise would have been found there. It had been said by the noble Lord, the Secretary for Ireland, that if Mr. O'Connell doubted the legality of the proceedings in suppressing the meeting, he might have gone there for the purpose of trying that right. He did not think that the noble Lord had reflected well when he had made that proposition—it was not the noble Lord's own opinion; but it came from papers that supported the noble Lord; for had Mr. O'Connell gone out amongst an excited multitude, it would have but required one evil-disposed person to have thrown a stone, and a horrible and sanguinary massacre must have ensued. With regard to the prosecution, he did not mean to go into it. He confessed he had no other feeling with respect to it but contempt. He despised it too much to dwell on it. He could not, however, but remark, that every advantage that would be given to persons accused in England was denied to the traversers in that case. He did not mean to dwell upon the miserable chicanery that had been practised in the omission of names from the list of jurors. The fraud was confessed by the Attorney-General, and yet, he availed himself of it. As to the men who composed the Jury, he, of course, did not believe those men were capable of violating the obligation of an oath. In this case, he did believe that the verdict was given in all the sincerity and honesty of inveterate prejudice and bigotry. They who had chosen these men cut off those who were extreme on the one side, and who might be supposed to be favourable to the accused; and they considered there was no inconsistency in keeping on men who were unfavourable to the accused, and all whose prejudices were against them. It was not to be wondered at that such a verdict should be given when it came from men born in a class where inveterate prejudice was alone to be found. Nothing could, he assured them, be more melancholy, than to see in the bookseller's shops in Dublin the sort of books that were published as the means of affording instruction to the young mind—books that were full of the most atrocious falsehoods—falsehoods ten thousand times refuted—calumnies long since exploded, directed against the Catholic religion, and those who professed the Catholic religion. The young were reared in bigotry—it was strengthened by every means as they grew up. They were not to be surprised that it developed itself when the man became mature. He now, then, came back to the question, what had the Government gained by this prosecution? Did the Government believe that the people of Ireland would be more attached to the connection, because they had placed in jeopardy the lives of so many thousands by their proclamation at Clontarf? It had been said by the noble Lord, the Secretary for Ireland, that though the proclamation had been agreed upon on the Friday, still it could not come out until late on Saturday evening; because, forsooth, there was the necessity of looking to the wording of the Proclamation. They had the fact, and it was of some importance, that the Proclamation had been agreed to on the Friday. But

when the lives of so many of the Queen's subjects were endangered, surely the Council might have protracted their sittings, or they might have devoted themselves to the task of making verbal alterations at an early hour in the morning. Anything would have been better than that there should have been the least danger to the lives of Her Majesty's subjects. He did not like to mention the rumour that was extremely prevalent at the time that the Proclamation was issued; yet he would mention it, to show what was the state of mind of the people of Ireland. It was a rumour that for the honour of humanity he hoped was not true; he would say more—that he readily believed it was not true; but that which was stated at the time was, that two of those who had attended the Privy Council, by whom the Proclamation had been issued, had advised —and one of these certainly was not the gallant Officer who held the chief command in Ireland, and was beloved by the people—but it was said that two of those Gentlemen had suggested that there should be no proclamation at all issued; that the 100,000 men should be allowed to meet, and then, at the moment that the excitement was at its height, that the troops should be called upon, the Riot Act read, and but fifteen minutes given to the people to disperse. That might not be true; but then, he could tell them, it was the impression which most prevailed in the minds of the people of Dublin; and if it were not true—if it were utterly denied, he should be most happy to hear it. The people of Ireland considered it bad enough that this Proclamation should not have been issued until the Saturday evening, although it had been agreed to on the Friday. But, then, he asked, would they be more attached to the Union because their lives had been put in jeopardy? Would they be more attached to the Union because that which had recently occurred had put in jeopardy their few remaining rights and liberties?—and then he could not forbear from asking, although, perhaps, it was not for him to put the question, would they be more attached to the Union because the man that engaged their love and possessed their confidence for forty years was now in danger of perishing for their sake? But it was said that the Ministry were about to give good measures to Ireland. He hoped they might give good measures; but still he told them, that the people distrusted any gift coming from their hands. They doubted in the good faith of the Ministry, and experience only of the good could convince them of their sincerity. They talked of amending the Franchise in Ireland. Let it be supposed, that the Franchise given was a fair and proper one. A vote, no doubt, was a good thing; but why, he asked, did not hon. Gentlemen propose an increase to the number of Members for Ireland? They were one-third of the Empire, and yet their representatives were less than one-fifth. But then their taxation was spoken of; and yet nothing could be more certain than that their burthen of taxation was higher than as three to four as compared with that of England, and yet their representatives were less than as one to five. An increased grant for Education was also promised; a most excellent purpose certainly. But why, he asked, did they not first improve the physical condition of the people? He should prefer an improvement in the material condition of the people, to the plan of cultivating their minds whilst they left their bodies exposed to the worst ills and poverty. As men grew comfortable in circumstances, they endeavoured, by education, to raise their children to a condition in life superior to their own. And to this instinct they might safely trust, if they improved the physical condition of the Irish people. If, in addition, money could be given for purposes of general Education, no doubt it would be a great boon. The Ministry also spoke of ameliorating the relations between Landlord and Tenant. This was a delicate and a dangerous topic. In the present state of Ireland it was the most dangerous they could touch upon; if they were not prepared to act immediately and efficiently. The appointment of Lord Devon's Commission, though it was solely for the purposes of inquiry, had caused the most extravagant hopes to arise in the bosoms of the desperate men who had been ejected from their holdings in various parts of Ireland. He had the opportunity of knowing what were the sentiments of the people of Ireland. If there were Members of that Commission in the House, they could confirm his statement on this point. He had received more than one hundred letters on the subject, and he knew that the most fatal errors had crept into their minds. The tenants that had

been ejected—and this occurred in many cases—were under the idea, that the Commissioners would restore them to their land, where injustice had been done to them; and the tenants who had succeeded them, and were now in possession, laboured under the equally dangerous opinion that they would be turned out. This might seem a monstrous idea to some—perhaps, ridiculous—but they could not expect reason from men who were almost driven to the very depths of despair. Therefore it was, that he implored of the Government, whether they fell short or went beyond the hopes of the Irish in other measures, to adopt, at least upon this, some right measure, if they would avoid not a mere political revolution, but a revolution of the raging and the insane, the work of wild and despairing wretches who would shake the very framework of society itself. He trusted, he hoped, that they would endeavour to deal effectually with this most dangerous subject. This too, he said, that though neither he nor others would supplicate those in power for mercy—they had not and should not do so—still he said if those who had power, would turn their attention to the real state of Ireland, and, having done so, would even now do good, he, for one, at least, should feel grateful for it. Let the Government, he said, adopt measures which would bring back the money of Ireland to Ireland. Let them do that and revivify Ireland. There was a drain of nearly 5,000,000*l.* a-year to absentees. There was 1,000,000*l.* of reduced Government expenses. There was nearly 5,000,000*l.* or 6,000,000*l.* of drain from Ireland —a sum more than was contributed to the Revenue. He asked what country could be prosperous with such an enormous drain upon her? But then there was a talk of English capital. It was said, that agitation kept English capital out of Ireland. This was a fallacy easily exposed, if it were worth the while to demonstrate it, with the notorious fact before them, that the annual revolutions of the South American States did not prevent English capital being employed in them. As to English capital, he said let them adopt measures which would give the Irish the use of their own capital. The Ministerial pamphleteer, Mr. Montgomery Martin—with some special recollection, that he had been a Repealer, and the editor of a Repeal newspaper in London—stated their revenue at the time of the Union was 4,300,000*l.*, and that it was 4,100,000*l.* now, thus proving a great falling-off from the time of the Union, whilst the Parliamentary papers would prove that there had been a vast increase in their taxation, whilst their revenue was less than at the time of the Union. He alluded to this subject but in passing; but if they restored to Ireland the means of her prosperity, there would be an increase of 20,000,000*l.* in her wealth, whilst there would be a still greater addition in that rich and exhaustless measure, the warm affections of the Irish people. They were to consider whether things were to go on as they were, or whether they would boldly meet the difficulties that presented themselves, and at once. He did not wish to say anything by way of menace; but what, he asked them, had the people of Ireland to attach them to the connection? By means of that connection a tyranny was exercised that could not be exceeded by any foreign power. He did not say this, he repeated it, in the way of menace; but still he asked them, what was the wisdom, what the policy, what the advantage of retaining one-third of the Empire in permanent discontent—that they who felt they had been wronged should be brooding over their wrongs in silence, and anxiously waiting for the moment of the distress of those who oppressed them? Why did they prefer hatred when they might have love? Why prefer dislike, and throw away that rich pearl, the affection of the Irish? Why seek to rule over a slave, instead of having the ardent and powerful support of a sister and a friend. The people of Ireland did not deserve the treatment they had received. Let them, he said, be treated kindly, and they would be met with a like disposition. If they conciliated Ireland, he affirmed, that in the fondest dream of the wildest imagination, England never reached such a pitch of prosperity as she should then attain. Ireland was willing to be conciliated. He called upon the Ministry, he called upon that House, he called upon this nation, to make the experiment. Be, he said, just to Ireland, and fear not. Be unjust—continue your oppressions—continue your injustice—continue your insults—and upon your heads be the disastrous, the fatal consequences.

Colonel *Verner* said: If he heard the hon. Member correctly, who had just sat

down, he understood him to say that he highly approved of the course that had been pursued by the party in Ireland with whom he was connected, and that he would persevere in the same line of conduct; he was sorry to hear him so express himself. He would, however, beg to assure the hon. Member who had expressed his willingness to endure any punishment to relieve others of his family upon whom it might fall, that he bore no personal enmity to his father, but, on the contrary, regretted his having placed himself in so painful a situation, at the same time he could not but regret much more the painful situation in which he had placed his country. He felt that every Irish Member, particularly those upon his side of the House, was called upon to express his sentiments, and to endeavour to put hon. Members in possession of the true state of Ireland. If he saw a reasonable hope, that the evils of which we have to complain would find remedies for themselves, he would be silent; but it was because he saw them not only increasing, but becoming worse, while we in vain looked for amendment, that he felt called upon to give utterance to his strong apprehensions. If he understood the policy pursued of late years towards Ireland, its purpose has been to remove all those feelings of hostility that were said to keep the people divided, and so to change their dispositions, that they should have one common object—that of serving their common country. For this purpose, what was formerly called the Protestant party was depressed — or, perhaps, he should say, oppressed—and the desires, if not the demands, of their adversaries complied with. The Church Establishment became the first object of attack; Scriptural education was discouraged and discountenanced; feelings of hostility to our institutions were openly manifested; the stability of the Legislative Union was threatened; and many other concessions to popular feeling, as it was called—or, more properly speaking, to popular clamour—were made. He was not going to enumerate them; they must be fresh in the recollection of every hon. Gentleman present. He would therefore confine the very few observations he had to offer to the result; and he would ask have they produced the effect we were led to expect from them, and have dissensions between the people of Ireland ceased? The Motion of the noble Lord now before the House furnished him with a ready answer. If tranquillity has been restored in Ireland, what necessity is there now to call for an inquiry into the state of that country? The truth is, the people have not been brought to a cordial and confiding intercourse. On the contrary, and he spoke from his knowledge of Ireland for years, and intimate acquaintance with its people. He affirmed, though not without pain and regret, that it never was, in his recollection, less united, and that Roman Catholics and Protestants never stood more estranged from each other than at this present time, at the end of fifteen years of this boasted conciliation. He felt bound to say, and he could say it with confidence, that so far as he had opportunities of knowing and judging, this evil of dissension was not chargeable to Protestants. He could state, from his own knowledge, that they had endeavoured to continue the same kindnesses, and the same friendly intercourse with their Roman Catholic neighbours, but not with the happy results of former days. And here the hon. Member could not help remarking and expressing the gratitude it afforded him, that throughout the debate he had never heard the slightest reflection cast upon the Protestants of Ireland, their conduct was above all praise—they had acted with a degree of forbearance that did them infinite credit; they had never, in any manner, interfered with those numerous and tumultuous meetings, at which thousands and tens of thousands were assembled with music and banners, threatening with destruction all those who would not join them, and uttering language most offensive to the ear of every good and loyal subject. It was truly gratifying to him to have heard the testimony borne by the noble Lord the Secretary for Ireland, to the exemplary conduct and great forbearance of the Protestant population generally, throughout Ireland, more especially for their acquiescence to the wishes of the Government, upon the occasion of those anniversaries they had for so many years been in the habit of celebrating. On the other hand, the Roman Catholics had withdrawn themselves from their Protestant neighbours; they avoid holding conversation with them; they would not join with them around the cheerful hearths in free and friendly intercourse as they used to do. They act like men guarding some important secret, and fearful that an in-

cautious word may betray it. Such is one effect of the ill-fated experiment, to which so much has been sacrificed. But this was not all. He lived in a part of the country where the Protestants were sufficiently numerous, with moderate support, under Providence, to protect themselves, still, if they have not been assailed, they have not been free from alarm. He would speak of that which his own eyes had witnessed. Within the last two months he had seen blazing in all directions around him, signal fires, and these of a description which made it manifest that their designs were evil. They were of a description hitherto unknown in that part of the country, evidently composed of combustible materials, and such was the understanding amongst the people, that recently in a district which was a few months before enveloped in total darkness, innumerable lights blazed forth. The effect of these menacing demonstrations was to excite considerable alarm in the minds of Protestants. They could obtain no satisfaction from their Roman Catholic neighbours as to the objects or designs of these lights, and so great had become the alarm that whole families passed their nights in painful watchings, fearing the enemy might come upon them by surprise and destroy their properties or attack their persons. He would ask—would any Government be justified in allowing things to remain in this state? He would put it to the noble Lord opposite, and those with whom he was acting, whether Protestants were not as deserving of protection in Ireland as any other class of persons in that country? Were their wrongs alone to remain unredressed? They have ever been faithful to the principles upon which the stability of this great Empire depends. Their faithfulness has recently stood the test of a more than ordinary severe examination. The undeserved disfavour of a Government did not provoke them to wrong—the blandishments of Repeal did not betray them into conduct unworthy of their professions—they have ever proved themselves true to the principles of British connection. All he claimed for them was protection—they sought no favour—justice and justice only was what they asked. So much has been said, both in and out of this House, respecting the construction of the jury impannelled to try this very important case, that he would beg leave to occupy the attention of the House for a few moments, while he expressed his opinion upon the subject. If he rightly understood the complaint it was not that Roman Catholics were excluded from serving on the Jury. The complaint was that they were not preferred, on account of their religion—to persons whom the law-officers of the Crown may have thought otherwise more eligible. In fact, the complaint was that the profession of the Roman Catholic Faith ought to have been recorded as a ground of especial favour; and that Protestants, simply because they were Members of the Protestant Church, ought to have been rejected from the Jury. Is not this the real strength of the complaint? He had heard no charge brought against any of the Jury sworn to try this case, which has excited so great an interest; on the contrary, he had read acknowledgments, on the part of Counsel for the traversers, to the effect that the twelve good men and true selected as Jurors were altogether above impeachment, and beyond suspicion. He would ask, does any hon. Member mean to say that, nevertheless, they ought to be, or any of them, set aside? On what grounds? Is it that they were Protestants? Does any Gentleman mean to say that a Law Officer of the Crown, sworn to discharge his duty faithfully, is to refuse the services of a Juror, not because he is incompetent, not because he is partial or unjust, but simply because he is a Protestant? Surely no person would be so rash as to say so in words; and yet this is substantially the complaint made against the construction of the Jury. The traversers' counsel struck off every Protestant in their power to put aside; they felt assured that no complaint would be made against them for exercising, as they thought best, their undoubted privilege. They were right; they did others no more than justice, and they did no more than their duty. But when they went further and said that the Crown ought, in obedience to their wishes, to set aside good Jurors, because they were Protestants, he thought the complaint neither just nor discreet. They complained of a man being set aside because he is a Roman Catholic, and at the same time they would set aside every Protestant, for no other reason than that he professes the Protestant religion? Was not that to challenge a very offensive ascendancy for the Church of Rome, and to challenge it at a time when we would

especially desire to see religious distinctions invested with no more authority than naturally belonged to them? But perhaps it may be said, that there was something in the recent Trials which should insure to Roman Catholics this distinction claimed for them. The events in which those Trials had their origin were of that kind precisely which should prevent Gentlemen from urging so dangerous an argument. If the Law Officers of the Crown permitted themselves to be influenced by religious considerations at all, the effect should be directly the reverse of that which Gentlemen seem to have expected. If the Attorney-General, or the Crown Solicitor, asked himself the question, "How should I be influenced by the creed of a party on the Juror's Panel?" he had no hesitation in declaring his conscientious conviction, that the fact of an indidual's making profession of the Roman Catholic faith should be a reason for setting him aside rather than for retaining him, and this he would say, without having in the remotest degree respect for any peculiarity of faith or doctrine. Have we not seen, that the whole proceedings of the party agitating to effect a Repeal of the Union had the sanction of the Roman Catholic Bishops and Clergy?—all the Bishops of that Church and the whole of their Clergy we were told, were with them. Mr. O'Connell was described by persons eminent among the ecclesiastics of the Church of Rome in terms which might almost point him out as an object for a species of religious worship; the cause he was engaged in they declared holy. The agitation to effect it was pronounced to be blessed. Then he would ask, could a conscientious Roman Catholic be thought in a fair frame of mind for determining whether this very agitation so praised and blessed, was nevertheless criminal, and that individuals, who it might almost be said were prematurely sainted, were to be pronounced guilty, and sentenced perhaps to fine and incarceration. So far was he from finding fault with the Law Officers of the Crown, that he thought they were entitled to praise for having faithfully and uprightly discharged their duty to their country, by the selection they made of the Jury, and he thought Roman Catholics themselves ought to feel obliged to them for having spared them the performance of a duty which they might have felt peculiarly irksome. He regretted, that there were too many instances to justify the Law Officers of the Crown pursuing the course they had done. He remembered a case where a person summoned on a petit jury had prejudged the case before hearing the evidence, and had decided upon returning a verdict of not guilty, because he had heard from his priest, whom he respected, that the accused party was innocent. He took his place in the jury-box, and held out his hand to take the book, ready to swear that he would well and truly try, and true verdict give, according to the evidence, when, at the same time, he was resolved to return the verdict his priest desired him, no matter what the nature of that evidence might be. The matter at issue, in the present case, is simply this—a number of persons are put upon their trial for acts which the Roman Catholic Bishops and Clergy regard as heroic and holy, and hon. Gentlemen have the modesty to complain, that in such a case, the being a member of the Roman Catholic Church was not thought a ground of preference for serving on the Jury which should return the verdict.

Captain *Layard* said, that after the many eloquent and excellent speeches that had already been made upon the subject now under discussion, he felt it might be considered premature in him to trouble the House; but being one of those returned to that House by an Irish constituency, he felt that when he asked their indulgence, it would be granted. He knew and felt how inferior he must be to many Gentlemen who had addressed the House; inferior in learning, to which he could not aspire; and in eloquence which he so greatly admired. But he felt that having been quartered in many different parts of Ireland for some years, and resident in it for many more, would and had given him opportunities of seeing and hearing many things which perhaps had not come under the observation of hon. Gentlemen differently situated; and though he might not prove an able advocate, at any rate he knew and trusted the House would believe he was a faithful witness; and he felt the more so, because the opinions which he professed, were not likely to advance his interests in the things he most valued, the profession he belonged to, and, secondly, when he professed himself no advocate for Repeal, with some of

those whom he had the honour to represent. He was not an advocate for Repeal, because he believed it was not either for the advantage of England, nor for the advantage of that country for whose welfare and happiness his fondest wishes were felt, and to ameliorate whose condition his best exertions should be used. He felt, that Englishmen were doubly bound to do everything in their power to do away with the cause of all grievances, and he did believe, that a better feeling was spreading through the country. He had been quartered in many of the villages in Ireland at different times, and with a small force, and while those who were in high places had an opportunity of judging what was the general aspect of affairs, he had been enabled to mark the flowing of the undercurrent. He wished that he was master of a very small share of the eloquence of the right hon. Gentleman, the Member for Dungarvon—an eloquence that had so often delighted the House, and which had been so lately displayed in the Court of Queen's Bench in Ireland—an eloquence which he believed was unrivalled, certainly not surpassed, by any man breathing. Then he should be able to tell them in glowing colours, but not more vivid than they deserved, for that would be impossible, of the misery which had been endured by the Irish people, of the patience with which that misery was borne, of their real charity—of that charity when the poor gives unto the poor. He could speak of their gratitude for any kindness, and their light-heartedness under cruel privations; but, alas, here the picture would not end, for he must mention circumstances of his own personal knowledge which were most fearful. When his late brother was quartered at Buttevant, in the county of Cork, in the year 1832, some disturbances took place at the village of Wallstown, near that place—some troops were sent for by the Magistrates, the people threw stones, the troops fired, and several persons were killed. He was sent up with orders by his commanding officer, and he passed by the cottages to which the dead bodies had been removed; hundreds of men and women were congregated round them, and to see the sullen and stern countenances of the men, the tears and affliction of the women, was, happily for the House, a picture he could not paint; unhappily, for himself, a picture he could never forget. In a very short time afterwards, the tithe proctors were passing over the ground in the middle of the day, when, as if by enchantment, hundreds of people appeared, and they were murdered and put into the water, not far from the clergyman's house. He (Captain Layard) was sent up with a detatchment of thirty men to the next village, and a corporal and six men lived in the out-houses belonging to the clergyman as a guard. He had seen that clergyman obliged to go about with loaded pistols, and policemen with loaded carbines, as a guard. That gentleman was now no more, and he (Captain Layard) was happy to state that he believed both he and all his family to have been excellent and kind people; but now he wished to know what hon. Members thought was the state of that parish? Why, he did not believe there were ten Protestants in the parish, and there was no church, and had not been for hundreds of years. Did he blame the Magistrates? No. Did he blame the clergyman? Certainly not. But he blamed those who did not alter the laws, which were the cause of such frightful bloodshed. Some men were afterwards, as he was led to understand, condemned for the murder of the tithe proctors. It had been his fate to have seen thousands fall in battle—that never prevented his sleep; but he must say, that when he saw what had taken place at Wallstown, sleep fled from his pillow. For he felt that what had happened was a foul blot upon his country, and a blot upon that Protestant religion, in the merits of which he was a sincere believer. Could any man believe that the time had not arrived when the grievances of Ireland must be redressed? Look at the unequal number of Members in that House which Ireland possessed—the unequal Franchise—the fatal delay of the Emancipation Act—and also the fearful way the trials had been carried on. Could they believe that imprisoning the learned Member for Cork, could or would pacify the Irish people? The right hon. Baronet had said he took credit to the Government that no coercion no court-martial was necessary; but he believed, that the Irish people would as soon be tried by a court-martial, as then they might have members of their own persuasion. With regard to the fearful mistake made by the Attorney General with respect to his challenging the opposite counsel, it was to be most deeply re-

gretted. Why to show what effect it had, only three days ago, when Mr. Grant was tried, who had been second to Lieutenant Munro, in the late disastrous duel, his counsel very properly stated that when it was known that Her Majesty's Attorney General had been guilty of the same thing would not the jury acquit him, which they immediately did, without leaving the court, and he (Captain Layard) could not help saying he felt very glad of it, for he felt much for Mr. Grant, though he did not know him, who, being very young and just entered into the army, was brought into such fearful circumstances from not knowing better. The right hon. Baronet, the Secretary for the Home Department had said that no benefit could accrue to England from holding Ireland under military government. In the opinion so expressed he entirely agreed; they had the best of all possible authority for knowing that a House divided against itself must fall. Could any one fondly imagine that the generous and noble people whose grievances they had now under consideration, who had gained the greatest and purest victory ever obtained in ancient and modern history—a victory over themselves, a victory over their vices—a people who had met in thousands and tens of thousands without a breach of the law, and he believed without even a breach of good manners did any one believe that such a people could or ought to be kept under military rule? For his part, he believed, the moment had arrived when justice could no longer be delayed without inevitable evil. But we, madmen that we are, stand trying what was the smallest quantity of justice that could be doled out to satisfy the people. While he stood wrangling about the price, the volume of the Sibyl might be destroyed. He called upon his countrymen to do that which they never had done; to do that which their religion enjoined them; to do that which they had grossly neglected as far as Ireland was concerned; to do their duty towards their neighbours, then might they hope for a union of hearts; then, might they under the standard of their common country, the Lion of England, defy a world in arms; then might the Irish be a happy, a contented, and a prosperous people. Again, might the flag of commerce dance on the Irish wave, and the palaces of her nobles be no longer the abode of mendicity. Then, and then only, might they hope that the nation would bring forth its increase, and God, even our God, grant us his blessing.

Mr. *Ferrand* had listened attentively to the speeches of hon. Gentlemen opposite, who had endeavoured to convince the House and the country that the Whigs were better fitted to govern Ireland than the Conservatives; but he should be able to show, from the language of Members of that very party, that the reverse was the truth. During the last Session he had conscientiously voted against the Government upon this subject, under the conviction that they were not using the means necessary to put down the disgraceful agitation which had taken place in Ireland. Since that period they had adopted measures that had vindicated the law and asserted its majesty. And even the language used by the supporters of the noble Lord, would have induced him to vote against the motion; for the noble Lord and his friends had exerted themselves to bring the law of the country into contempt. What was the conduct of hon. Gentlemen opposite when a convicted conspirator had entered the House? He was received with cheers, by a small Republican party; powerless, "Thank God!" in this House and in the country too? There was among that small section one who raised his voice more lustily than the rest in applause of the learned Member for Cork. It was the hon. Member for Montrose, who had been proved to have carried on a treasonable correspondence with a body of colonists, whom he had recommended "to cast off the hateful domination of the mother country." A genial spirit that to condole with Mr. O'Connell. Very great stress had been laid on the proclamation of the Government against the Repeal meetings. Unfortunately, the noble Lord (the Member for London) had been a Member of the Government which had found it necessary to issue proclamations for the purpose of putting down seditious meetings in Ireland. In 1830, when Earl Grey was Prime Minister, and Lords J. Russell and Palmerston were in office, Lord Anglesey issued a Proclamation, prohibiting a procession of trades-unions in Dublin, only one day before that appointed for the procession, on the ground that—

"The assembly was calculated to lead to disturbance of the public peace, that it would create serious apprehensions thereof in the minds of Her Majesty's peaceful subjects, and that language of an inflammatory nature had been used by some of the persons who had signified their intention to attend."

The Government was at that time appealed to by numerous parties to interfere to put down vast assemblies which had created serious alarm. When they issued the proclamation what did Mr. O'Connell do? He advised the people to obey the Proclamation, and promised before three months to have an assembly established in Dublin to make the English nation "do justice to Ireland;" and then called a meeting "to prevent unlawful assemblages and to petition for redress of grievances." On the following day the Lord-lieutenant issued a proclamation setting forth that the—

"Society, under the shift and device of preventing unlawful meetings and procuring justice for Ireland, had been established really to intimidate the Government of Ireland, and to control the exercise of lawful authority, and for other dangerous designs,"

and, therefore, prohibited the meeting. Mr. O'Connell denounced this as an act of despotism, and again attempted to evade the Proclamation by declaring himself the association, and avowing that he and his friends would discuss Repeal at a hotel in Dublin, where they had been in the habit of gathering. Only three days afterwards the Lord Lieutenant issued another Proclamation, setting forth that—

"Meetings were designed at the hotel to excite disaffection against the administration of the law and against the constituted authorities,"

and prohibiting such meetings. Mr. O'Connell issued thereon a letter, professing obedience, and asserting that another act of legal despotism had been committed. He then formed other associations, against which a day or two afterwards the Lord Lieutenant issued another Proclamation which Mr. O'Connell denounced as "Algerine" acts, and called a meeting under the disguise of "a public breakfast," whereupon the Lord Lieutenant sent two magistrates and dispersed the meeting. Mr. O'Connell then appeared at a distinct meeting, where he declared his determination "not to taste excisable articles, until those Algerine proceedings had been retracted;" and stated that he had that morning breakfasted upon milk. Mr. Lawless recommended to the Irish to form temperance societies; and there was another person at the meeting (who doubtless would share in this debate)—the right hon. Member for Dungarvon—and the House should hear in what way the Irish people were deluded by false promises, which were never intended to be performed. Mr. Sheil had said—

"If the Union be not repealed within two years I am determined I will pay neither rent, tithes, nor taxes! They may distrain my goods, but who'll buy, my boys! who'll buy? I don't tell any man here to follow my example; but so help me God! if I don't do it you may call me 'Sheil with the silk gown."

Now the right hon. Gentleman had certainly shown here extraordinary dexterity; for soon after this celebrated declaration he not only swallowed his solemn pledge, but converted his "silk gown" into robes of office—accepting place in a few weeks under the very Government that was pledged to continue to resist and refuse the Repeal of the Union. How did the Government meanwhile, act? They arrested O'Connell, and bound him and the leading Repealers to take their trials. After a great deal of shuffling on the part of O'Connell, he pleaded guilty to eleven of the counts, and then addressed a letter to his own son-in-law, (enclosed by his own son to Mr. Bennett), offering to compromise with the Government, and give up the agitation. The Government then allowed the proceedings against him to be dropped, and he became one of their most strenuous supporters in that House. Another learned Member had lately declared in favour of the Whigs for the Government of Ireland, though the Conservatives had never shown more activity in opposing him than the Whigs it appeared had exhibited: but the Conservatives had not only issued a Proclamation; they had enforced it. They had not temporized with O'Connell; they had discharged their duty to the country. Let the House, however, hear the opinion which the learned Member had published of the Whigs, whom he now recommended to the people of Ireland. In September, 1832, he had addressed a letter to the Reformers of Great Britain, containing his "articles of impeachment against the Whigs;" the third of which "Articles" was,

"More blood has been shed in Ireland during the year and a-half of Lord Anglesey's Government than during the last twenty years of a Tory Administration. The distinguishing feature of the Government is the frightful quantity of blood that has been shed under it. It was a history of blood."

"In the fourth of the "Articles" was the assertion,—

"There was not so much Irish blood shed under Strafford; yet he was justly sacrificed."

How could Gentlemen opposite reconcile their attacks on the present Government (which had put down the Repeal agitation without shedding one drop of blood) with the language used by Mr. O'Connell of the former Whig Administration? Mr. O'Connell might delude the people of Ireland, but he would not succeed in so duping the people of England by sophistries and double-dealings either in that House or at Covent Garden Theatre, while the language he had used on different occasions remained recorded and remembered. There is a great similarity in the proceedings of the "pets" of the Reformers and of the Repealers. When the Reform mania first broke forth, it was proclaimed that Earl Grey, the "father of Reform," was the patriotic nobleman who would lead the people through great struggles, standing by "the Bill, the whole Bill, and nothing but the Bill," and then the people fancied they were going to realize all the blessings pictured and promised to them by the reforming agitators. The Bill was passed. What was the result? The Government gave to the country the New Poor-law, out of which had sprung Socialism, Chartism, and the Anti-Corn-law League. What party in the country had really benefited by reform? The most strenuous of its supporters had confessed it to have proved an utter failure. But there was a person who had benefited by the agitation—Earl Grey himself. And who had benefited in Ireland by the Repeal agitation? Nobody but O'Connell himself. Earl Grey had (in O'Connell's own language) "feathered his own nest;" and in an address to the people of England Mr. O'Connell had declared,—

"From the insulting injustice of the present weak and wicked Administration (that of Earl Grey), I appeal, not without hope, to your sense of right and justice. Is it just that the people of Ireland should be insulted and trampled upon merely because the insanity of the wretched old man at the head of the Ministry developes itself in childish hatred and maniac suspicions of the people of Ireland? Earl Grey has but two leading ideas in his mind: the first, that of procuring for his family and friends the greatest quantity of the public spoil; no Minister had ever one-twentieth, or even one-fiftieth of the number of relatives and connexions receiving public pay that he has: and none ever existed less deserving of it, —he and his family are perfect inflictions upon the country. The second sentiment in his mind is hostility to the people of Ireland, evinced by every act of his Administration. Ireland was never so badly governed as during this Ministry. They have done everything to insult and injure all classes in the country. They have done nothing to satisfy any section of the people except a few who, like the Plunkets, are gorged by public plunder. They have not one single friend in Ireland; nay, even those whom they have enriched out of the public funds avow their hatred and contempt for them in private."

Now, how could it be expected that the noble Lord would succeed in his attempt to oust the present Government from Ireland, or that his speech would gain any confidence in either country, when the leader of the Irish people had declared that the party of the noble Lord had governed Ireland with more tyranny and bloodshed than had been known under any Tory Government that had ever existed? Mr. O'Connell had pledged himself positively, solemnly, repeatedly, that by certain days he had from time to time named, "Repeal should be carried, and a Parliament meet on College-green." The character of Earl Grey, as drawn by O'Connell himself, would, verbally altered, aptly depict his own. Mr. O'Connell could not quarrel with the application to himself of language he had applied to Earl Grey. Both of those individuals had done serious mischief to the country. Earl Grey, by striking a blow at the Constitution of the country, from which it was feared it would never recover—O'Connell by preventing the peace and happiness of Ireland, and keeping up feelings of ill-blood between Protestants and Catholics, which would have been but for him, long ago allayed and extinguished. There had been an attack recently on the Dublin Protestant Association; and on an Address of theirs to the Lord Lieutenant, there had been an attempt to taunt those honest men for the utterance of their sincere sentiments. He did not consider that they should have been disgusted at the manner in which their religion had been attacked, not only by determined opponents but by professing friends. The other evening the noble Lord the Member for Sunderland had said, "How could a British House of Commons listen without disgust to a proposal, that they should legislate upon the assumption that a faith so held and honoured was false and idolatrous" (although the noble Lord had almost immediately afterwards, avowed his belief that the Roman Catholic faith was founded on error)? Why, it was the duty of the House to legislate on that very principle, that the Roman Catholic faith was false and idolatrous. The Government were bound by the most

sacred oaths to support the Protestant religion, and to prevent the extension of Popish idolatry. Did any one deny the obligation of the oath? Did any one say it was the duty of the Government to encourage Popery, and that it should be placed on an equality with Protestantism? Would any Member of the late Governments of Lord Grey and of Lord Melbourne declare, positively and practically, their desire to place the two religions on perfect equality? There might be some few on the other side who would assert that principle; but, though it might well enough suit party purposes for the noble Lords opposite to seek to join together the incongruous mass of their supporters; yet, if ever those noble Lords found again an opportunity of appealing practically to the people of England on the point, they would find that the Protestants of this country would oppose them, and none more heartily than the Protestant Dissenters. The noble Lord, the Member for Sunderland, admitted that the Roman Catholic religion was founded in error, but also stated, that while the Church question in Ireland remained unsettled, the Catholics could not be relied on. Now, the Operative Protestant Association of Dublin had not forgotten the solemn declaration made by Mr. O'Connell before a Committee of the House of Lords, to the effect that the Roman Catholics would never attack the Church property in Ireland, and that Mr. O'Connell, in 1825, on being asked whether there might not be some danger of the Roman Catholic Church reclaiming those lands which the Protestant Church had in perpetual possession, replied that there would not, and that no Protestant would resist more strongly than the Catholics, even to the loss of life, such a claim, that they knew that in point of religion the title was now gone out of their Church, and could not be re-assumed without the law of Ireland giving it again to the Church, and that the making of that law they (the Catholics) would resist. [*Hear!*] Was the hon. Gentleman opposite, who cheered that declaration, prepared to reassert it? He should like to hear from the hon. Member opposite, whether he were prepared to plunder the Protestant Church? The noble Lord, the Member for Sunderland, did propose to plunder the Church property in Ireland. A Conservative Government in 1829, granted Catholic Emancipation on these solemn declarations being given by the Roman Catholics; and was that House, in 1844, to support a motion now proceeding from the other side, hon. Members on which openly declared that they were prepared to plunder the Church? He called on hon. Members opposite to act fairly and honestly with the country. The hon. Members on that (the Ministerial) side fairly told the country what their intentions were, not with respect to the Church of Ireland, but also with respect to Ireland itself; and yet hon. Members on the other side, who were prepared to rob the Church, did not choose to inform the House what measures of amelioration for Ireland they would introduce. Until hon. Members opposite announced what measures they would bring forward, and unless they were prepared to bring forward greater measures of amelioration than the present Government contemplated, they could not expect that any one on that (the Ministerial) side would vote with them, or that they would ever be able to shake the present Government in the confidence of the country. The Government was firmer now than it was last Session, and the conduct of the noble Lord, in bringing forward this question, as well as the speech he made in submitting it to the House, had smashed both him and his party. The Whigs, as a party, were annihilated. The noble Lord might still sit at the head of a numerous party opposite as long as they all voted along with him; but behind his back they were already uttering taunts, and saying that he was at their mercy. The noble Lord was no longer the powerful man he was some few years ago in the country, because he had forfeited confidence by his inconsistency. If the present Government acted up to the principles which they had declared through the noble Lord, the Member for Lancashire, and the right hon. Baronet, the Secretary for the Home Department, they would continue to govern Protestant England. He should vote with the Government on the present occasion, and he thanked them for having not only vindicated their policy, but also the majesty of the law.

Sir *C. Napier* had felt some surprise that the hon. Member who had just spoken had omitted all mention of his old hobby, the Keighley Union. The hon. Gentleman had, on the authority of Mr. O'Connell, charged Lord Grey with having governed Ireland with great tyranny, and with having received more of the public money directly and indirectly, than any

other Minister; but he thought the hon. Member, having quoted Mr. O'Connell's abuse of the late Government, might well have gone on to state Mr. O'Connell's opinion of the present Government. And as he had charged that hon. and learned Gentleman with having agitated for his own advantage, the hon. Member should have shewn how it was, that the hon. and learned Member and all his family had not grown rich upon the spoil? He considered it very objectionable for any hon. Gentleman to make charges against a man who had come forward solely for what he considered the benefit of his country, without receiving a single six-pence. Mr. O'Connell had stood high in the law; but though he had the highest prospects for himself, and of making provision for his family, he had given up all those advantages to do what he thought was for his country's advantage; whether it were so or not, he was not then about to discuss. It was not his intention to blame the Government for the state in which Ireland was. He did not think the fault was so much with them as with the electors of Great Britain and Ireland, who had placed the party opposite in power. The people well knew what were the prejudices of that party, and what had always been their policy, and could not expect anything else from them than had occurred. The right hon. Baronet had in 1839 declared, that Ireland would be his chief difficulty; but in 1841, when he entered office, he said, the difficulty as to Ireland had vanished, alluding to the appointment of Earl de Grey. What, however, was the position of Ireland now, in 1844. In 1843 the right hon. Gentleman found the difficulty existed, it existed now, and would continue to exist, as long as the right hon. Baronet and his party continued to occupy the Ministerial Benches. The right hon. Baronet, the Home Secretary, had made a most unfortunate declaration for the popularity of the Government in Ireland, when he said, "concession had reached its utmost limits." With regard to the conduct of the Government in putting down the Repeal Meetings, he did not blame them for waiting until they had a sufficient force in Ireland to enable them to put them down without danger. He did not blame them for that. If they had determined to govern Ireland by the bayonet, they were bound to provide a sufficient force in the country to prevent the risk of any outbreak. It had been asserted that the military force now in Ireland was not greater than in the year 1842, and he knew that returns had been produced bearing out that statement, but a great mistake had been committed in moving for those returns, inasmuch as the hon. Gentleman by whom the Motion had been made, had omitted to include the armed pensioners, amounting, as he believed, to 4,000 or 5,000 men. [Lord *Eliot*: the pensioners were not yet armed.] No; but every preparation had been made for arming them. Officers had been appointed; they were all disciplined troops, and had served most of them twenty years in the army, and were as fit to be armed and called out to-morrow as any troops now in Ireland, and even more so. It was no answer to him, therefore, to say they were not yet armed. They might be armed, and if the Government of Ireland was to be carried on as it appeared to be the intention to carry it on, he would say, they ought to be armed immediately. He now came to the conduct of the Government in bringing Mr. O'Connell to trial? That was an act which he thought was impopolitic and unwise. The Government had done right in putting down the Repeal Meetings; but having accomplished that object, where was the use of bringing Mr. O'Connell to trial? They had, however done so, and they had obtained a conviction; but what would they get by it? Would they venture to send him to prison, and if they did, would that be the course most likely to satisfy Ireland? If they sent all the parties who had been convicted to prison, would that pacify Ireland? He believed it would rather add to the existing discontent and danger than otherwise; for, like a volcano suppressed, the mischief still remained ready to burst out at any moment. Therefore, he said, the conviction was unwise and impolitic. He hoped that hon. Gentlemen would not suppose that he (Sir C. Napier) was an advocate for Repeal. He looked upon the demand for Repeal as perfect nonsense; and he would go further, and say, that Mr. O'Connell, the great advocate for Repeal, did not believe in the possibility of its success. There was scarcely a man in the country, whether his opinion in regard to the manner in which the affairs of Ireland were administered by the present Government — there was not a man

on either side of the House, who would not raise his voice, and more, who would not take up arms, if necessary, to prevent the Repeal of the Union between this country and Ireland. It was quite impossible that the separation of the two countries could take place. If they repealed the Union, they would throw Ireland into the hands of France. No man, therefore, in his senses, could consent to such a proposition. But if Mr. O'Connell were sent to prison, were they prepared for the consequences? They knew well the immense power Mr. O'Connell possessed in Ireland; they knew the influence he had over the Roman Catholic priesthood, and what that priesthood could do with the people. Suppose Mr. O'Connell should continue to tell the people to remain passive and quiet—suppose he should say remain quiet, do not rise up against the Government, but use passive resistance—pay neither rent nor taxes, what would be the condition of Ireland then? What would be the condition of the Government, and how would they meet that kind of opposition? And supposing such a state of things to take place, what would be the position of England in the event of a war, or even a threat of war either with France or America? He remembered, during the last war, notwithstanding our naval superiority, we had not been able to prevent a large French fleet anchoring in Bantry-Bay; and it was well known that it was from want of management alone that that fleet was unsuccessful in its object. But now, since the invention of steam power, if we were to have a war with France, or a quarrel with France, it would—supposing the Irish people to be disaffected—be impossible with all our means to prevent France making an impression in Ireland. He was far from saying that Ireland would join France against this country. The affection and loyalty of the Irish people for their Sovereign was unquestionable, and he hoped it would always be so; but if they continued to treat Ireland as she was now treated, her affections would in time be estranged. The noble Lord, the Secretary for the Colonies, had said, he was satisfied that the people of Ireland would remain loyal, and he complimented hon. Gentlemen on that (the Opposition) side, by saying, he knew that if they differed in opinion from him they would see that this was not the proper time to agitate the question. He hoped the noble Lord would open his own eyes in time, and not be so certain of the continuance of their loyalty, unless Government did something to ameliorate their condition. And as to appealing against the agitation of the question, what time was so proper to agitate it as a period of profound peace? Now was the time to agitate the question, and to secure the continuance of Irish loyalty, by doing justice to Ireland. But let them not delay until the danger actually arrived. He had heard the able and eloquent speech of the noble Lord the Member for London with great pleasure. He thought nothing could be more moderate than the suggestions which the noble Lord had made. First, he had suggested that the grant to the College of Maynooth should be doubled, in order to rear up a more respectable body of Catholic Clergymen. Then the noble Lord had asked, why they should not acknowledge the Roman Catholic Bishops by their titles? Surely that was no very great concession. He did not think any danger to Protestant ascendancy could result from giving to them those titles which common courtesy would allow them. The noble Lord also recommended that glebes and houses should be granted to Catholic Clergymen. [*No.*] He believed he was correct. He had taken down the noble Lord's words, and the noble Lord himself did not contradict them. Well then, he would ask, would Protestant ascendancy be destroyed if that were conceded. Would that pull down the Bench of Bishops and the Established Church of Ireland? These were the heads of the suggestions the noble Lord had thrown out for the consideration of Government. The Roman Catholics believed that their faith was the best, and the Episcopalians believed the same. For his part, he thought the Presbyterian religion better than the Church of England. But who was to decide which was right? He had been recently speaking with some friends of his in Scotland, as to their opinions of the Church of England as compared with the Church of Scotland. Those friends were two old ladies. But they were sensible ladies and relations of his own—they were elderly maiden ladies. He had asked them what was their opinion of the Roman Catholic religion. Their reply was

"The Roman Catholic is very bad indeed. Roman Catholics canna be saved at a'; it is impossible." Then he asked them what their opinion was of the Episcopalian Church? Their reply was—"We ha' great doots about that too—it may be a leetle better than the Roman Catholic Church, but we have great doots whether Episcopalians can be saved." And the right hon. Baronet, and the hon. Gentlemen opposite, knew that this feeling prevailed to a great extent with many of the old Presbyterians. He had some short time ago seen a book written by a Frenchman who had travelled in Ireland, which had been rendered into English, and he had copied from it some lines in reference to religious matters in Ireland 200 years ago. They were, nevertheless to the point. He would read them :—

"They cried the mass down, 'cause (they said)
The priest in unknown language prayed;
And yet themselves their prayer-book sent
To such as knew not what it meant;
And it was read, and psalms were sung,
And sermons preached in English tongue,
Among wild Irish, when not one
Knew what they said, but cried, 'O' hone!'
'O' hone!' they cried, and shook their heads,
With grief, to change their mass and beads
For what they knew to be a prayer,
No more, poor souls! than Banks his mare."

Talking of Banks's mare, they had heard on a former evening, concerning a certain stallion, whose owner, an Irish landlord, had compelled the priest to announce after mass in his chapel, that the said stallion was to be let out at 16*s*. 8*d*. a leap. Now, that was liberal enough in an Irish landlord, but it was nothing to the liberality of the right hon. Baronet (Sir R. Peel), who had offered the use of his celebrated bull for nothing. However, he feared that the right hon. Baronet's bull would not satisfy the Irish people. The noble Lord the Member for Sunderland put the case of Ireland having conquered Britain, supposing it was bigger than Britain, and asked us how we would like to have the Catholic religion crammed down our throats? He would put a more conceivable case. Supposing Napoleon had actually invaded this country, at the time he proposed to do so. He had then an immense army and an immense flotilla of boats prepared at Boulogne, and he only wanted some forty-six sail of the line to have put his design into execution. He could assure hon. Members that he had conversed with Marshal Soult upon the subject, and thought there was nothing extravagant in the scheme. The French Emperor had then an army of between two and three hundred thousand men, and our troops were by no means in the high condition to which they had since attained. Well, supposing Buonaparte had conquered Britain, and had at the same time brought with him an army of French bishops and pastors; supposing he had turned out our clergy, and put in his own, making them preach a language which we did not understand, and a religion we did not like; suppose all this, did hon. Members think, that this country would remain tranquil under such usage? No! we should make efforts to drive the French out of England, as the Irish were endeavouring to drive the English out of their country. But the noble Lord the Member for Sunderland went further than the noble Lord the Member for London. Ay, and he thought he was quite right in going further. He proposed to turn over the Protestant Establishment to the Catholics. Now he (Sir C. Napier) must confess, that he did not quite go this length. But the noble Lord proposed another plan. It was to equalise the whole thing — to let the Roman Catholics have their fair proportion of the Church revenues. Now this appeared very reasonable. But the noble Lord was not yet exhausted. He threw out a third suggestion, to the effect, that the revenues of the Church, as Church revenues, should be abolished, and the money applied for the purposes of education. He certainly thought, that it would be better to give tithes, which were paid in many cases for duties which were not performed, to further the cause of education. Such a plan would be fraught with the greatest advantages. It was very true, that the nation might not be quite prepared for such great changes at once; but they must make a beginning, the people must be led on gradually. Let the Government show that they were able and willing to do impartial justice between Catholic and Protestant, and the nation would speedily awake from its slumber of prejudice. Why, the thing would come to that at last. Emancipation was won by perseverance; but what was it after all? It was a thank-you-for-nothing.

Let them take care that justice to Ireland in other respects did not become a thank-you-for-nothing too. The Church of Ireland, as at present constituted, could never continue. It was contrary to the common sense and common feelings of mankind. It was contrary to every principle of honour and justice. He did not wish to upset it at once, but the sooner they made a beginning in the work of change, the better. He would, however, propose a fourth plan of proceeding. When a living became vacant in Ireland, he would allow the proceeds to flow into the Treasury; but in cases where the parish was a Catholic one, he would supply the vacancy by a Catholic clergyman. The noble Lord at the head of the Colonies, stated, that the Catholics did not wish to be endowed with the funds of the Irish Church, and he thought that the circumstance showed their extreme moderation. He repeated again, that the Churches ought to be equalised. The Irish Catholics did not want to pay tithes to both Protestant and Catholic clergymen. It was said, that by the Commutation Act, the landlord was made liable for tithes; but who paid the landlord? Now, he would tell the House an anecdote of what happened to him when he was in Ireland. It occurred at Cork. He was going up from the Cove to the town of Cork in a fly. Well, it was stopped; and in came a very decent young lady [*a laugh*], well, a young woman. He saw that she was a very decent girl. [*Laughter.*] Now, really this was no joke. Well, in talking of how things were in Ireland, he said, "You are satisfied, I suppose, now that tithes are commuted, and that the proprietor pays them?" She replied, "Do you see that man there working on the road?" He said, "Yes I do." "Well," says she, "that man has got a little ground of his own—he is obliged to pay tithes, on the one hand, to the Protestant clergyman, who he thinks is sending his soul to the devil; and, on the other, to the Catholic priest, to hinder him from going there." Why it was clear, that men were obliged to pay two sets of tithes. The people of Scotland would not allow the English to cram the Episcopal Church down their throats; and why should the Irish be forced to swallow it? But had they succeeded in their attempt to force a Church upon an unwilling people? Had they succeeded in improving the condition or increasing the number of the Protestants in Ireland? No, they had not. How was it in Scotland, where the attempt to force on the religion was given up? Why, the Episcopalians were increasing. Episcopalianism was considered in Scotland as the most gentlemanly religion, and altogether the most desirable in a temporal point of view, and had not the late row in the Scottish Church taken place, he thought they would have seen Scotland, not only an Episcopalian country, but more so than Ireland. But the noble Lord at the head of the Colonies, read declarations made by the Catholics in 1757, in 1792, and in 1808, in which they stated that they did not at all want to disturb the position of the Church, provided they got emancipation. But circumstances had changed since, and the noble Lord had no right to turn round on them and say, "we hold you to your bargain," just as if they had given emancipation an hundred years ago, according to the terms on which the bargain was offered. But the Catholics of the present day were not to be bound by the promises of their forefathers, even if the terms on which these promises had been made had been fulfilled. Were they to have no advance—no progress? He thought, that the noble Lord, the Secretary for the Colonies, when he took up the Catholic oath, and read it with such solemnity, had thereby insulted the Irish Catholic Members. Why, they had not heard one word from those hon. Gentlemen touching the Irish Church. They had always studiously avoided the topic, and he could not help, therefore, saying that it was an insult to the Catholic Members to warn them, and put them in mind of their oath, as the noble Lord had done. But the noble Lord had asked if they were prepared to put Catholic Bishops into the House of Lords? He would answer that he was not, because they had too many Bishops there already. He was not quite certain but that he would go the length of putting those now in out of it; however, that was not at present the question. But he would put another inquiry to the noble Lord, he would ask whether he would continue to put Protestant clergymen into parishes where there were no congregations for them to preach to? If the former proposition was absurd, the latter was still more absurd. They had been trying for a long period to put down the

Catholic religion in Ireland. They certainly had not succeeded, and he thought it was high time to give up the attempt as utterly impracticable. They must give to the Irish full religious, as well as civil rights —they must let them see that their religion was not contemned and sought to be extinguished. True, they as Protestants, did not think that the Roman Catholic was the best religion. They were educated in their own creed—they sucked in its doctrines with their mother's milk. Let them give to Catholics the same indulgence which they claimed for themselves. These were his sentiments, and he hoped that hon. Gentlemen opposite would follow the example of the noble Lord, the Secretary for the Colonies, and the right hon. Baronet, the Secretary for the Home Department, and allow the right hon. Baronet at the head of the Government to purge them of their prejudices altogether, so that they would be ready to come forward and support him in some comprehensive measure required for the benefit of Ireland.

Mr. *M. Gore* expressed his earnest hope that the Government, in whose recent policy towards Ireland he fully concurred, would vigorously follow up that policy, by suppressing agitation, at the same time that they proposed remedial measures, which he was prepared to support, and which he trusted would be productive of the most salutary effects in that distracted country. He did hope that the measures proposed by Her Majesty's Ministers would, above all, tend to the improvement of the condition of the peasantry of Ireland. In that country there was an enormously increasing population, and no diffusion of capital to give the people employment; and where there was a redundant population, without employment, misery and consequent dissatisfaction must be prevalent. The first duty of the Government should be to encourage the introduction of capital; but, then, the capitalist must be assured of protection for his capital before he would embark it in a country agitated as Ireland was. The great grievance of Ireland was want of employment for the people. When he contrasted the condition of the peasantry of Scotland with those of Ireland, and he was certainly ready to admit, that the misery of the latter had other and various causes as well as to want of employment. They must all be inquired into, and gradually removed. With respect to the proposition to confer upon the Catholic clergy a species of State provision, he for one, should not object to it if he thought it would tend to the promotion of peace and good-will. He acknowledged that the position of the Established Church of Ireland was an anomalous one, and it required all the power of Government to sustain that Church against the attacks made upon it. As on the one hand he was willing to support any measure proposed by Ministers for the conciliation of the Catholics of Ireland, without prejudice to the Protestant Establishment, so, on the other hand, he would resist every attempt to impair that Establishment. He cared not from what side of the House any measure emanated for the restoration of tranquillity in Ireland, he should support such measure, always keeping in view the preservation of that bulwark of Protestantism—the Established Church— He regretted that at the time of the Union some arrangement with respect to the Catholic Church in Ireland had not been effected. It was not, however, now too late, and he trusted that a satisfactory arrangement might be effected by Ministers, of whose general policy towards Ireland he was bound to say he fully approved. He hoped they would continue it, and exhibit the same vigorous determination to maintain the supremacy of the law which they had in a recent instance exhibited. In this policy they should have his support, as they undoubtedly were entitled to that of the House. The Irish people were entitled to their best sympathies. They were a brave and an ingenuous people, of strict integrity, and as Sir John Davis, in his history of them says—a people above all amenable, provided you treat them with impartial justice. They fought side by side with the English, and at least equalled them in valour, and undoubtedly had a right to be regarded on a footing of perfect civil equality with Englishmen. He would say, then, cultivate their good feelings— allow them the full privileges of the Constitution. Do them ample justice, and you will gain their hearts, and unite the two countries in the holy bond of national affection, based upon reciprocal rights and mutual benefit. Do this, and you will convert your present weakness into strength, consolidate the Empire, and gain for yourselves an imperishable fame.

Mr. *J. O'Brien*: It is impossible to deny, Sir, that the period has at length arrived in the political struggles of Ireland when a Government, adequately alive to its duties, can no longer temporize in the course they shall adopt. They must wisely conciliate and finally redress the wrongs of that country, or they must be prepared to encounter the formidable, and in any result, disastrous issues which await their refusal. Which alternative is more consistent with the suggestions of a past experience, and which is more consonant with those principles of legislation which give tranquillity to a people and safety to a State? The one class of policy you have long tried, and the disastrous records of Ireland, the social and political condition of her people, sufficiently attest its character. For centuries you have ruled us in the spirit of a jealous domination; you availed yourselves of the arts and of the power of a superior civilization to invade the rights of a people too uninstructed to combine against an enemy strong by their discord, and triumphing by their dissensions. Still yours was an imperfect policy. You did not entirely subjugate, you did not wisely incorporate, your triumphs were not the preparation for improved laws, for consolidated institutions, for an advancing civilization. You stood aloof from a people whom fear did not subdue, and whose affections you did not gain, in cold and hostile isolation. The colony you planted you long preserved untouched by the sympathies of the people among whom they were; and when, at length, nature and necessity overcame the obstacles you created—when your colony expanded to a nation—when the recollections of origin gave way before the stronger and more imperious claims of country—you renewed the experiment of our earlier subjugation; and upon a people now possessing on you the conjoined claims of kindred and of country, you repeated, with a remarkable fidelity, those unforgotten scenes which still oppressed and haunted the national mind, in the confiscated rights of a spoliated people. You established successive oligarchies—now appealing to the prejudices of country, and now to the animosities of creed. Yet I cannot find that England collectively has gained by the course you pursued. I cannot find that Ireland, though allied to your fortunes, has added much to your domestic prosperity or to your international influence. You have yourselves not unfrequently announced that we have been a distraction to your counsels and a burthen on your resources. What can more emphatically demonstrate than your own councils the character of your policy? Ireland, by its position, the physical character of its soil, the moral qualities of its people, was well fitted to be your prosperous associate and willing ally. But why should I refer to that felicitous combination so calculated to promote the interests of both countries? It has been counteracted by the influence of a miscalculating legislation. The hostile hatreds of race, the instrument of our earlier subjugation, were followed by the artificial animosities of creed—either principle but the pretext of spoliation, but either effective in its turn to distract a people and trample upon liberty. At length, after a brief exercise of legislative independence, the Union was achieved, and Ireland was attached to, but not incorporated with, your Empire; she more than participated in your burthens, she did not share in your privileges. The Catholic was but imperfectly emancipated, and the taint of a sectarian ascendancy stained the international compact. The improving sentiment of the age, the advancing tide, notwithstanding many obstacles, of national prosperity, achieved emancipation; but we found it a barren concession—we felt that political freedom was not attained, that social equality was not accomplished. We respectfully applied to an Imperial Legislature—we called fo domestic equality, we called for international rights, we called for a more adequate representation, and the removal of those perennial sources of discord and contention which balanced and neutralised the representation which we had; we called for the abatement of that anomaly, without parallel, without example, which sustains the Church of an opulent minority by the reluctant contributions of a dissentient and impoverished people. By an Imperial Legislature, redress was denied, inquiry was refused, the spirit of legislative independence was revoked, the various shades of opinion were absorbed by the pervading sense of national wrong, and four-fifths of the people of Ireland rallied under the comprehensive principle of Repeal. It was found to be, in all its various interpretations, whether of unconditional Repeal, whether of federal institutions, or of

a reconstruction of the existing Union, as that enlarged, distinct, and intelligible principle which best appealed to the collective feelings and intellect of the country: for the principle of domestic Legislation, however modified, necessarily implies, constituted as the country is, the attainment of those measures which all shades of the Liberal party proclaim to be essential to the tranquillization of Ireland and to the safety of the Empire. But you state this agitation threatens the dismemberment of your Empire: it behoves you, then, to abate it by doing justice to the country. You say the Empire would sink in the collisions of independent Legislatures; then prove the competency of Imperial Legislation by measures of comprehensive redress. You arraign the people of Ireland for moving a question fraught with the perils you describe: but there is a fallacy in your reasoning—the Repeal Agitation originates not with them, but with you; it is not the spontaneous adoption of the Irish people, it is the compulsory alternative which you have forced upon them. You have the power to allay the disturbed anxieties of the public mind; you have the power, if you have but the will, to consign to repose the awakened spirit of nationality. You urge the prospective, the probable dangers which await on separate Legislatures; but this argument of prospective danger, has neither force nor application, for what dangers future and contingent can exceed, can equal, those which now assail you. Fraught with peril to your Empire, with reproach to your councils, what is our condition, but that to which an Imperial policy has reduced us? Are not the national energies wasted in unavailing contentions? Are not the relations of life embittered? Are not the substantial interests of the country unheeded or forgotten? Amidst the exasperating animosities of party and of sect, is not the public mind morbidly occupied by those engrossing passions, which alike unfit it for the pursuits of tranquil industry or intellectual labour? Is not the spirit of a Sectarian domination again summoned to a disastrous existence? and have not four-fifths of the people of Ireland, the Roman Catholic population, been branded as unfitted for the discharge of the ordinary functions of their condition, as virtually participating in a conspiracy threatening the existence of the country and the safety of the Empire? for such is the announcement of Her Majesty's law advisers in Ireland, and such as proclaimed by them, and sanctioned by you, the disastrous fruits of the existing legislative connection. Is a policy which has produced such results, suitable to our country, and will you arraign the people for adopting any expedient, however powerful, to abate the evils of such a condition? Will you arraign them for organising a power, no matter how denominated, whose practical tendency is to place you in that position when, to prevent the more apprehended alternative of the legislative severance of the two countries, you will concede to us those measures which we have so long called on you to grant, sought for at your hands, and which are so fully set forth in the document lately sanctioned by the signatures and substantial concurrence of a majority of the Irish Representatives? But can it be that you will say to the people of Ireland, we shall grant you neither Redress nor Repeal? I cannot believe that such will be your resolve. Reason, your own interests, suggest an opposite inference; you will not, for inadequate considerations, put in peril the safety of your Empire; the authority of your own example forbids the conclusion. You conceded Emancipation upon the combined considerations of justice and expediency; perhaps, the latter was the predominating ingredient, suggesting to the people of Ireland the not unheeded lesson, that to themselves, to their own untiring energies, they must look for the assertion of national rights, and the redress of national wrongs. But then, as now, you complained of popular combination; now, as then, dissolve the popular confederacy by a recognition of the rights contested, and by measures, as in your power of comprehensive redress. You reproach us with agitation; recollect, as it has been well observed, that it is the price we must pay for liberty, that it has been as history records, and as your experience will testify, the great specific for the abuses of power, whether by bodies or by individuals. By agitation you carried Magna Charta—by agitation you carried the Bill of Rights—by agitation you established the law of Libel, and emancipated the press from the fetters of authority—by agitation you secured the unsullied administration of the law, and rescued the Bench from the seductions of power — by agitation — conspicuously by

agitation, you carried the Reform Bill. The people of Ireland, by constitutional agitation, achieved commercial liberty in 1779, and Legislative Independence in 1782. And in more recent times, and within your own experience, by the agency of the same power, they carried Emancipation, vindicated the inalienable rights of conscience, and established, on an imperishable basis the great principle of religious freedom. But you will say, the popular agitation in Ireland transgresses those limits which social security demands, or the Constitution warrants. Sir, they deny the imputation. They met in multitudinous assemblies to demonstrate, not physical power, but national sentiment; and they appeal, in vindication of their character, to their prompt, their unreserved, their unhesitating obedience to that tardy, that ungracious, that offensive proclamation which prohibited the meeting at Clontarf. From that moment the peaceful character of the popular agitation was irresistibly demonstrated, and the people of Ireland became entitled to demand the active and avowed co-operation of those who substantially identified with them in principle, yet viewed to that period with perhaps an undue apprehension the rapid progress and excited temperament of the national movement. But, Sir, as I have said, this agitation has been forced upon the people of Ireland. On the access to office of the present Ministry they awaited with patience the development of their policy; but they were soon taught the painful lesson that the spirit of a past ascendancy controlled their councils, and that the Catholic population of Ireland, or those who represented their opinions, were systematically excluded from the honours of the State, and the confidence of its rulers. Tired of complaints, of arguments unanswered, of remonstrances unavailing, they confederated, it is true, but they did not conspire. They appealed to the enlightened convictions of the Protestants—to the dispassionate intelligence of England; by the unwearied promulgation of truth, by the untiring development of their wrongs and of your injustice, they created a moral power, and enlisted in their behalf the assenting sympathies of a civilised world. How will you dissolve a confederacy which has violated no laws, which has invaded no rights, sustained by the legality of its means the justice of its ends, and by the unfaltering confidence of an united people? You will not concede those measures which the people of Ireland call for till the people of Ireland abandon their assertion. As well may you suppose the torrent will move backward to its spring, as that the Irish people, mature in numbers, in wealth, in knowledge, and in power, will now abandon the prosecution of claims which, in all the vicissitudes of their disastrous history, they have unvaryingly proclaimed to be less essential to their honour as men, than to their rights as citizens. What, then, remains to be done? Is the reign of military terror to be the rule of your Government, or will you reply to the finest aspirations of an impassioned people, by a prosecution in the Queen's Bench? And shall such be the result of centuries of British ascendancy, and such the boasted fruits of a long experiment of Imperial legislation? I call upon the Government, on whom are now placed the responsibilities of a great Empire, no longer to palter with its safety. I call upon them to consummate the great act of religious and of national emancipation, yet but imperfectly achieved. I call upon them even to take to their councils the awakened spirit of nationality, to temper its enthusiasm, if you will, to regulate its aberrations. I respectfully call on you to tranquillise Ireland by measures which shall secure to her people social equality among themselves, and international equality with you.

Mr. *M. Milnes* said, he could not entirely coincide in the phrase of the excellent speech of the hon. Member the Secretary to the Admiralty, that the time had now arrived when every Member of that House ought to give his opinion on the present state of Ireland, and on the measures which should be adopted for improving the condition of that country. But as he had himself placed upon the Books some time since a Notice of Motion on a subject of very great importance connected with the welfare of Ireland, and, as that Notice was altogether merged in the great Motion of the noble Lord, the Member for London, which was then under discussion, it might not perhaps be deemed misplaced, if he, on the present occasion, offered a few remarks on the subject which he had intended to bring before the House. He could, however, assure the noble Lord, that he did not intend making upon his Motion the same speech that he would have made

upon his own. His sole motive in giving that Notice of Motion arose from the hope that by bringing the subject to which it referred under the consideration of the House, he might, before the general question of Irish policy was brought forward, get up some fair discussion on the subject of Ireland, not exclusively of a party character. He should have wished that the principle which was allowed by both sides of the House to be the only just and expedient one, namely, that of treating Ireland without reference to party politics, were carried further into practice than it had hitherto been. He should have wished to behold the noble Lord who had brought forward the present Motion, and the Members of Her Majesty's Government who had addressed the House, not so completely adverse to each other as they had shown themselves to be in their criticisms on the recent trials as well as in their views as to the general policy to be extended towards Ireland. He made those remarks because he thought every one must have perceived, that during the whole of the debate everything that had been spoken might be regarded as belonging to one or other of two subjects—one having reference to the State Trials, and the other to the general question of the condition of Ireland, which latter, he thought, ought to be considered as the matter solely and essentially before the House. He thought, with every respect for the manner in which the question had been discussed by hon. Members, that it would have been better if the first question, or the subject of the Trials, had been entirely omitted from that discussion, for he considered it to bear but very lightly on the great question before the House; notwithstanding which, from the manner in which it had been brought forward by the noble Lord, it had served to taint the entire of that debate with a violent party spirit. They all agreed in admitting the slight respect which was paid in Ireland to the laws of the land, and the object of the noble Lord, from the manner in which he had brought forward his motion, appeared to be to make that respect still less than it unfortunately was before. The course taken by the noble Lord on that point reminded him unconsciously of a description given by the poet Tickell of a politician who—

"Against the Bishops pleads the Church's cause,
"And from the Judges vindicates the laws.'

The noble Lord opposite, by admitting that the defendants might have been found guilty, not according to the regular law of the land, but under some quibble of judge-made law, showed the impropriety of bringing discussions of that nature before the House and the country, because, by having introduced the subject, the noble Lord gave him, and other Members who knew nothing whatever of the matter, as good a right as the noble Lord himself had assumed of standing up and impugning the great and solemn decisions of the constituted Judges, and speaking in the most disrespectful manner of the legal tribunals of the land and of the law, which, however open to improvement it might be, should still be venerated as the sole law and legislation of the Empire. Having made these remarks, he hoped not impertinently, on the manner in which the question had been introduced to the House, he would proceed to express, in as few words as possible, his opinion on the great question which he believed to be solely under their consideration. He would state, as briefly, but at the same time, as clearly and emphatically as he could, his views on the subject, and the opinion to which he had come, not without some consideration, some reading, and a careful examination of the various bearings of the question. It appeared to him, that in all their discussions on the state of Ireland, they forget the principle that had been most wisely set forth by the noble Lord who commenced that debate—namely, that it was perfectly ridiculous to talk of the evils and wrongs of ages being neutralised by a few pages of an Act of Parliament. He should also have expected that the experience of the noble Lord while in office would have taught him how little any Ministry were able to do for Ireland. He did not mean to assert, that a Government should not hold before its own view great schemes for the welfare of that country; but what he wished to convey was, how trifling was the good that any Government could effect at once, and how futile, how absurd and ridiculous it was to expect, that a Government could at once propose great measures, which would cause the destruction of Ministry after Ministry that should attempt to carry them. Such measures could only be adopted when, after long and deep discussions, they had entered fully into the public mind, and, above all, when those distinctions of party feelings and prejudices were laid aside which so generally influenced all public measures, and which, he should add, the Motion of

the noble Lord was as little free from as any Irish question that ever came before that House. The noble Lord, the Member for Sunderland, had well alluded to the passing of the Catholic Emancipation Act; but every hon. Member present must know that that measure could not have been carried by any Government alone or without the union of the two great parties in the State. It was carried against the weight of public opinion in this country, and the same public opinion would be found existing against any plan for the abolition of the Church of Ireland, or even for any great alteration in the Church Establishment of that country. He therefore considered, that to taunt any Government with not bringing forward a measure for either of those purposes, was merely synonymous with taunting them with not putting an end to their own existence. In the year 1827, the right hon. Baronet at the head of Her Majesty's Government, when speaking against Catholic Emancipation, used some such words as the following:—

"Whatever privileges the Act of Union might pretend to confer, it would leave the Catholics to all practical purposes in their present condition; they would be nominally eligible to the great Offices of State, and to the lesser functions from which they are now excluded in terms, but though eligible they would not be elected. Though capable in law they would be incapacitated by the prevalent influence of Protestantism, an incapacity which would render them less contented with their situation than before, inasmuch as an exclusion founded on popular dislike, or the ascendancy of the opposite faction, would seem to be the result of personal considerations, and not of mere legal regulations."

He was satisfied, that the prejudice which had so long prevented Catholic Emancipation would be found still deep-rooted in the feelings of the people of this country, and that every measure having for its object the advancement of the Roman Catholic Church in Ireland, and tending to the destruction of the Protestant Church Establishment in any part of the Realm, would lead to the most determined opposition on the part of the people of England. He considered it, therefore, most unstatesmanlike on the part of the noble Lord, the Member for Sunderland, and of the hon. Gentleman, the Member for Liskeard, to work up public opinion in this country against them, by expressing themselves, without any qualification whatever, as being favourable to the destruction of the Protestant Church Establishment of Ireland, while their professed object was the pacification of that country. He considered nothing could have been less prudent and wise than that course; and the Government that would not resist such a proposal would not, he would say, be for a moment worthy of calling itself in any degree the representative of public opinion in this country. While he laid down these distinctions, he hoped no one would accuse him of inconsistency, if he at the same time declared it to be his firm conviction, that religious ascendancy was the great root of all the evil which they had to deplore in the state of Ireland. It had been well said during that debate, as well as on other occasions, that the Irish people were by far the most religious people in the world—that, even in the present incredulous age, they remained firmly and sincerely attached to the faith of their forefathers, and that they continue to be, as it were, a great remnant of the Middle Ages which time had left behind it in its course, It was not then to be wondered at, if such a people should have a strong feeling against the religious ascendancy that was exercised over them. He would ask whether every young Member of the House who had spoken on the present debate, had not expressed somewhat of the same opinion as that which he then announced? and that might perhaps be accounted for by the supposition, that both in the House and out of it, young persons were enabled from particular circumstances, to see more distinctly than their seniors the causes of existing evil in Ireland. He would not say, that that feeling was general, or that it existed among any class of persons sufficiently large to be capable of directing public opinion; but, nevertheless, he believed that every Member on the opposite side of the House, and most of those with whom he sat, would recognise in that sentiment there lay the nucleus of the only future possible pacification of Ireland. It was utterly impossible, that they could expect to tranquillise that country while the present religious differences were kept up. He read, a few days since, an anecdote of Dr. Law, who was Bishop of Killala in the beginning of the last century, and son to the Bishop of Carlisle. Perceiving that his flock was very thin, whole parishes being without a single Protestant, he ordered several thousands of a Roman Catholic catechism, written by Dr. Butler, Titular Archbishop of Cashel, to be purchased and distributed among the poor

Catholics of his diocese. When questioned as to his motives, he replied,

"I endeavoured to make them Protestants, but in vain; the endeavours of all my predecessors have been equally fruitless; I, therefore, thought myself usefully employed in the service of God and my country, in making them good Catholics; this will content me, for they may become good Christians, and, of course, good subjects."

He read that passage to the House, because it was the first expression in point of time of the feeling which he wished to impress upon the House, that he had been able to discover. He would then beg leave to refer hon. Members to another quotation from the letters of a remarkable Irish Anglican Theologian, Alexander Knox to Mr. Wilberforce:—

"Having before us a perfectly organized Church, whose formation at the first, and still more, its sustenance at this hour, never could be the result of human will, and whose dissolution we at least have no means of achieving, why should we not set ourselves as much as possible to ameliorate what in fact, we cannot destroy."

Chief Baron Woulfe had also well said:—

"Amongst the Protestants and Catholics in Ireland, let there be equality of rights, and not equality of privation."

In accordance with those principles it was that he thought it to be the duty of the Government of this country, to take every possible means of alleviating and improving the condition of the Roman Catholic religion in Ireland: and in saying so, he did not for a moment wish it to be supposed, that he spoke slightingly or disrespectfully of the present state of that religion. Whatever evils might appear in the condition of the administration of Catholic religion in Ireland, it was they, English Protestants, who were accountable for them. If the Catholic priests were violent, forgot their religious duties, and became political partizans, it was they who made them so, and who had left them the prey to every period of political excitement. It was they who left them without any means of support and exposed to all the temptations of which they afterwards accused them of becoming the victims. The sentiments which he then put forth, were the same that had been entertained by nearly all the great statesmen who had existed in the country. There was no doubt but that they coincided with the opinions of Mr. Pitt: for although he believed no distinct declarations of those opinions remained upon record, still it had been stated by the most intimate friends of that eminent man, that he had over and over again declared his conviction, that the Union would never accomplish its object as long as the Roman Catholic Clergy of Ireland were left disregarded and despised. He found from the declaration of the Roman Catholic Bishops themselves, made at the time of the Union, that they were not at that time opposed to a State provision. At a meeting of the Roman Catholic Bishops, held the 17th, 18th, and 19th of January, 1799, it was admitted,

"That a provision through Government, for the Roman Catholic Clergy of this Kingdom, competent and secured, ought to be thankfully accepted; that in the appointment of the Prelates of the Roman Catholic religion to vacant Sees within the Kingdom, such interference of Government as may enable it to be satisfied of the loyalty of the persons appointed is just, and ought to be agreed to."

The statesman of that age who had passed away within the last week—Lord Sidmouth—entertained exactly the same opinion. He had been instructed by King George III. to offer the *regium donum* to the Roman Catholic clergy of Ireland, at the same time that it was given to the Presbyterian Clergy: but while the latter accepted of it, the Roman Catholic Clergy very properly declined to have any connexion with a State stipend at the time, as it would be considered as having been given to them by way of bribe, to draw them away from the advocacy of the question of Emancipation then pending. Lord Grenville was known to have entertained the same opinion with regard to the Roman Catholic Church of Ireland, and Lord Castlereagh had avowed it repeatedly. It was known what were the opinions of Mr. O'Connell and Mr. Sheil on the subject in 1825, but he would not detain the House on matters that they could all read for themselves. In the year 1826, Lord Brougham, then Mr. Brougham, speaking on this subject, said of the Roman Catholic Clergy of Ireland,

"They were the natural instructors of the people, and he was afraid of their being influenced by the Government, had the provisions proposed for them last year been made."

He had dwelt long upon what he believed to be the sole effective and true means by which they could succeed in bettering the condition of Ireland: he wished, however, that it should be distinctly understood, that he had never proposed,—and, indeed, it would have been

an insult if he had done so—any sum of money to the Roman Catholic Clergy of Ireland. He believed such an offer would be regarded now as it had been before, as being merely a bribe, and it would be impossible, therefore, to make it; but he would tell the House what might be done, and he had no doubt but that the House would agree with him at least on that point. He thought the Government had begun in the right way in proposing a law under which the Roman Catholic Prelates could accept every offer of endowment made to them for their Church, either by members of their own persuasion, or by others. That would, of course be very trifling, but he would take it as an earnest of more, and as a symptom of good feeling on the part of the Government towards the Roman Catholics of Ireland. He hoped it would be followed by other measures conceived in a like spirit, such as the appointment of a Commission to inquire into the state of the Roman Catholic chapels in Ireland, and to give money for their repairs, instead of leaving them, as at present, desecrated by an appearance of misery and poverty, while they had every right to be improved and decorated at the expense of the State. He hoped every possible measure of that kind would be brought forward, which would tend to please the Roman Catholics of Ireland; and he also hoped that all invidious legal distinctions with respect to the titles of the Prelates of that Church would likewise be abolished. Believing as he did, and as every Church of England man must believe, that the Prelates of the Roman Catholic Church in Ireland had a perfect right to assume the title of Bishop or Archbishop, —for though not in connexion with the local sees, still they were clearly as much Bishops and Archbishops as the Prelates of the Church of England could pretend to be,—he considered it to be a most foolish and invidious distinction to forbid them to use their titles, and one that ought not to be continued. They should proceed in that manner, tranquilly and by degrees, until they re-established a proper feeling among the Irish people, while they at the same time did not proceed so rapidly as to alarm the inhabitants of this country, whose honest prejudices ought to be respected, for they were connected with all their social ideas and religious principles. The feeling in the minds of the people of this country of hostility against the Roman Catholic persuasion was one that had come down from the time of the Reformation, and the Roman Catholics of the present day were, in fact, paying the penalty of the intolerance and bigotry of their forefathers. It was only by slow degrees that such a feeling of hostility could be eradicated; and oh! what a lesson ought it not to be to them to be tolerant when they beheld such an instance of the consequences of an opposite system before them! The acts of the 100 days of the reign of Queen Mary had so operated on the English mind as to incapacitate the Legislature up to this moment from doing justice to the Roman Catholic population of Ireland. But when he spoke of doing justice to the people of Ireland, he did not mean to agree with Gentlemen opposite that the whole of the people of that country were Roman Catholics. He believed there were fully 1,000,000 Protestants in that country. [An hon. *Member*: 2,000,000.] To avoid contention he would take the number to be 1,500,000 Protestants. Now, let them remember who are the Protestants of Ireland, and at whose door lies the evil that is complained of—their ascendancy in that country. If the Protestants were proud and insolent, if they looked down upon the Catholics, who had encouraged them? Why, we,—the English Legislature had fostered those feelings. We had made them the spoilt children of England, and had caused them to regard themselves as the lineal descendants of the Cromwellian conquerors of Ireland. He said, looking historically at the matter, such was the natural consequence; and, if it were so, to speak of Ireland as if those Protestants were not in existence, and as if they were not regarded by public opinion, appeared to him a gross and dangerous fallacy. For it was to be remembered that the Protestant Church in Ireland was by those persons regarded and revered in a manner in which he was sorry to say the Church of England was regarded by but few of her followers. He only wished he could see the members of the Church of England as attached to their Church as the Protestants of Ireland were to theirs. And therefore, respecting the feelings of the Irish Protestants, he could not consent at once to any of those stringent and rapid measures which went at once to destroy their Establishment, for which they entertained so much reverence; and he did not think, that even if the dream of the noble Lord the Member for Sunderland could be realized, and he seemed to be then indulging

in some such reverie—that then when the destruction of the Protestant Church had been accomplished the religious rancour in Ireland would be diminished. He believed that if the voluntary system were adopted through Ireland, they would find every Protestant clergyman interfering in political matters, as the Catholic priest did at present, and they would have the most bloody and destructive religious conflict that had ever been witnessed on the face of the earth. Another consideration ought not to be forgotten: if they attempted to destroy the Protestant Church in Ireland, the Protestants would say they were Irish—the maintenance of their Church had been guaranteed to them that this was the only bond that attached them to England, and that now they too would become Repealers, and for such reasons he was prepared to oppose to the utmost any measure having for its object the destruction of the Protestant Church in Ireland. In the words of Chief Baron Woulfe, he would give to the Protestant and the Catholic equal rights, but not equal degradation. They should do all in their power to place the Roman Catholic Church in Ireland in a position of comfort and dignity. He should not object to any equality, not even to seeing two or three of the Roman Catholic theologians sitting with purple stockings in the House of Lords. The Church of England was well able to withstand any such assault as that. He thought too, that at present our relations with the Court of Rome should be renewed. That subject had been incidentally mentioned last Session by the noble Member for Newark (Lord John Manners), and it did not appear to be objected to either by the House or the country at large. He must be permitted to say, that it would require some degree of caution, lest the Court of Rome might receive our advances with some suspicion. If, however, they were frankly and distinctly made, Rome might be the means of introducing into Ireland those principles of conservatism by which she had made her Clergy in other countries the friends of law and order, and therefore he thought the attempt might be made advantageously and successfully by this country. Whilst recommending this step, he at the same time urged the necessity of improving the education of the Irish Catholic Clergy, either by an additional grant to the College of Maynooth, or by the endowment of the Irish College at Rome; he should prefer the latter. He asked the House to give every encouragement to Her Majesty's present Government, and to every other Ministry in a cause which he considered far superior and more important than the individual existence of any Ministry. He believed, and he had heard it stated before, that the Reform Bill had injured the stability of all Administrations in this country. In his opinion no Government, however well managed, would be permitted to retain power for so long a period as was permitted to Sir R. Walpole. It was, therefore, the especial duty of every Government of this country to lay matters in such a train, and prepare them in such a way, that, whatever results might come, if they were unable to carry out their objects, those objects might be effected as safely and as advantageously as possible. The noble Lord the Member for London had pledged himself in the debate as to what he would do if he ever became again the Minister of the country. The Catholics now knew for certain that, when by any means the noble Lord could get a majority in that House, their Church would, somehow or other, be put upon an equality with the Established Church in Ireland. They knew that was the least they could expect. It was possible the noble Lord might go further, as the noble Lord the Member for Sunderland and other hon. Gentlemen proposed. Now, it was the duty of the Members of any Government, to take care to prepare the country for events they saw to be inevitable—for the greatest misfortunes had occurred to the world, rather from events arriving unexpectedly, than from the nature of the events themselves. They, wanting to bring about tranquillity in Ireland with as little revolution as possible, must, he believed, be left to do it in their own way. They saw all the evils as clearly as hon. Members opposite saw them, and saw the necessary remedy just as they did, for the remedy was as palpable as the evil. They would attempt a remedy, not by a course such as was proposed by the noble Lord the Member for Sunderland, but by means, which, at the same time, would not, in the opinion of all prudent men insult the public opinion of this country. He warned that party who seemed bent on the destruction of the Established Church of Ireland, to take care lest they aroused the No-Popery feeling of this country; he warned them that there was in this country a feeling which the noble

Lord opposite and his Friends could easily arouse by their violent and extreme declarations. He saw no reason whatever why the riots of 1780 should not be renewed, and sure he was that a Lord George Gordon would again be found to head them. Let them seriously and calmly set about doing all they could for Ireland; let them put aside party differences and befriend any Government going the right path as long as they went the safest. He should give his cordial and hearty vote in support of Her Majesty's Government, not because they did all he wished to be done for Ireland, not because he saw them doing all the good they could in Ireland, but because he saw them doing nothing which he could object to, and because he saw them doing just as much as a liberal Government were likely to do. Political justice must fluctuate with the course of time. There was a statute of limitations in politics as well as in property. They ought not always to be dragging up past grievances—they should not be always looking at the historical evils of Ireland as if they were looking through Lord Rosse's gigantic telescope; and bringing them as near to them as possible; they ought to regard them as past, and not be picking up hard words wherever they could find them, as the noble Lord who had introduced the Motion, had done. They ought to soothe the feelings of the people of Ireland, instead of embittering and exacerbating them; remembering that it was their duty to legislate for that country, not according to their own fancies and imagination, not according to their creeds, but according to circumstances as they found them, for such was the only really sound and rational way of remedying the evils of that country.

Mr. *Macaulay:* I cannot refrain, Mr. Speaker, from congratulating you and the House that I did not catch your eye when I before presented myself to your attention. I should have been exceedingly sorry to have prevented any Irish representative from addressing the House on a question so interesting to his country; but peculiarly sorry to have stood in the way of that Gentleman (Mr. J. O'Brien), who pleaded the cause of his country with so much force and eloquence. I now wish to submit to the House those reasons which appear to me to vindicate the vote I am about to give; and in doing this I am sorry to say, that I shall not feel myself justified in following the course traced out to us by my hon. Friend opposite, with all that authority which he, as he justly states, derives from his venerable youth. I cannot agree with the hon. Gentleman in thinking that our best course is to suffer Her Majesty's Government to go on in their own way, and give us the measures which they have prepared, seeing that the way in which they have been for some time going on is an exceedingly bad one. Sir, the ground on which I support the motion of my noble Friend is this—I conceive that Ireland is in a most unsatisfactory, and, indeed, alarming condition. I conceive, though for the remote causes of the disorders of Ireland neither the present Government nor any living statesmen are responsible—that the immediate causes of those disorders which now peculiarly alarm us, will be found in the conduct of Her Majesty's present advisers. I conceive that when those disorders had reached in autumn an alarming height, Her Majesty's Ministers did not show in any part of their conduct, either by their legislation or their administration, that they justly appreciated the nature of those disorders, or were aware of the proper mode in which they should be treated. I see no signs of promise for the future of a policy better than that which they have hitherto followed. I look forward, certainly, with deep uneasiness to the state of Ireland. I conceive that, in such circumstances, it is the constitutional right and duty of this House to interfere; and I conceive that my noble Friend, by inviting us to go into a Committee of the whole House, has proposed a mode of interference which is at once perfectly parliamentary and convenient, as it is undoubtedly called for. Now, as to the first of these propositions, it will not be necessary for me to waste any time in an attempt to show that the condition of Ireland is one which may justly inspire great anxiety and alarm. On that point I conceive that both sides of the House are fully agreed. That country, Sir, in extent about one-fourth of the United Kingdom, in population certainly more than one-fourth; superior, probably, in internal fruitfulness to any area of equal size in Europe; possessed of a position which holds out the greatest facilities for commerce, at least equal to any other country of the same extent in the world; an inexhaustible nursery of the finest soldiers; a country beyond all doubt of far higher consequence to the prosperity and greatness of this Empire than all its far distant dependencies, were they multiplied four or five times over; superior to Canada

added to the West Indies, and these both conjoined with our possessions at the Cape and in Australasia, and with all the wide dominions of the Moguls—such is the state to which you have reduced it, that it is a source not of confidence and strength, but of alarm and weakness. How do you govern it? Not by love, but by fear; not as you govern Great Britain, but as you govern the recently-conquered Scinde; not by the confidence of the people in the laws and their attachment to the Constitution, but by means of armed men and entrenched camps. Undoubtedly this is a fact which, if we knew nothing more, would fully justify the House of Commons in entering into a grave inquiry, in order to ascertain why these things are so. That these things are so is undoubtedly to be ascribed, as I said, partly to remote causes, independent of any which have a bearing on the parties of the present day. To dwell long on those remote causes would be out of place, and would occupy the attention of the House unnecessarily; and yet I think we can hardly do justice to this enquiry except by taking at least a hasty glance at them. When we seek for the primary causes of these disorders, we must look back to a period not only beyond the existence of the present or late administrations—beyond the time of any living statesmen, but to times anterior to those in which the party names of Whig or Tory were first pronounced—anterior to those of the Puritans, to whom the hon. Member for Shrewsbury (Mr. D'Israeli,) in his very ingenious speech, attributed the calamities of Ireland—anterior even to the Reformation. Sir, the primary cause of the evils of Ireland is undoubtedly the manner in which that country became annexed to the English Crown. It was effected by conquest, and conquest of a peculiar kind. The mere annexation of the country to the English dominion would have been no disadvantage to Ireland, and might have been a benefit to both; but it was not a conquest like those we have been accustomed to witness in modern Europe. It was not a conquest like that which united Lorraine to France, or Silesia to Prussia. It was a conquest of a different kind, well known in ancient times, and down to our own days practised in rude or semi-civilized nations—the conquest of race over race, such a conquest as established the dominion of the Mahrattas in Gwalior, or that of the Spaniards over the American Indians. That, I think, was the first great cause of these disorders, and the effect has not by any means ceased to act. I believe the very worst of tyrannies that can exist is the tyranny of race over race. I believe that no enmity which ever existed between nations separated by seas and mountains, aggravated as it may have been by long enmity, has ever approached the intense bitterness which is cherished by nations towards each other, when they are geographically and locally intermingled, and yet have never morally amalgamated. And has not a feeling like that which reigned in the breasts of the Spaniards and Mahrattas towards their conquered slaves been excited, by your own boasting and taunts, in a great part of the people of England towards their brethren in Ireland? It might have been hoped that the lapse of time and the consequences of civilization would have healed the original evil—that what we have seen in our own country, which formerly suffered under the same evil, and suffered most cruelly, would have taken place also in Ireland. Here Celt and Saxon — Dane and Norman — all have been fused down and melted together, to form the great and united English people. A similar amalgamation, we might have hoped, would have taken place in Ireland; and I believe it would, but for the circumstances under which it was attempted to force the Reformation on that country. Then came new divisions to strengthen and embitter the old. The English colonists adopted the new doctrines as they had been embraced in England; the aborigines remained true to the ancient faith, alone among all the nations of the North of Europe. Then a new line of demarcation was drawn; theological antipathies were added to the previous differences, and revived the dying animosity of race, continuing dissensions and perpetuating a feud which has descended to our own times. Then came the occurrences to which the hon. Member for Shrewsbury referred in his speech. It unfortunately so happened that the spirit of liberty in England was closely allied with that spirit in theology which was most zealously opposed to the Catholic Church. It did so happen that those who wished for arbitrary government during the 17th century, were closely allied with the leaders of the old religion, and not with its theological opponents. Such men on the one hand as Pym, Hampden, and Milton, however eminent defenders of freedom, though upholding in their widest extent the doctrines of free discussion and religious liberty, yet

always made one exception to their tolerance—the Roman Catholics. On the other hand, those princes who never respected the free rights of conscience in any Protestant dissenters, all betrayed a propensity, to favour the religion of their Catholic subjects. James I. regarded them with no aversion; Charles I. showed them great favour and attachment; Charles II. was a concealed Catholic; James II. was an avowed Catholic. In this manner it happened, throughout the whole of that century, that our slavery and their freedom meant one and the same thing, and that the very events, dates, and names which in the mind of an Englishman were associated with the glory and prosperity of his country, were associated in that of an Irishman with all that had worked the ruin and degradation of his. Take the name of William III., the memory of the battle of the Boyne. I never recollect being so forcibly struck with anything as with a circumstance which occurred on a day I have every reason to remember with gratitude and pride—the day when I had the honour of being declared Member for Leeds. While I was chaired, I observed that all the windows were filled with Orange ribbons, and the streets crowded with persons wearing orange favours: all these were in favour of Catholic Emancipation, and animated with the strongest feeling to contend for equality of rights being granted to their Catholic fellow-subjects. I could not help observing, that the Orange ribbon seemed rather incongruous. "Not at all," was the answer; "under an Orange flag the Whigs of Yorkshire have always banded together. An Orange flag was carried before Sir George Saville, one of the first persons who stood here on the basis of equal rights for all." The very chair in which I sat, it was added, was the chair in which Lord Milton had been carried, when he gained the victory in the great cause of religious liberty against Lord Harewood. Now, what effect would this have produced in Limerick? It would have been at once considered as a mark of triumph over and insult to the Catholic party, marking a disagreement at every point in the history and even of the moral being of these two nations. Twice during the century of which I have been speaking the Catholic population rose against the Protestants; they were twice put down, and both times with a large annexation of land on the one side, and confiscation of property with the infliction of severe penalties on the other. The first insurrection was put down by Oliver Cromwell, the second by King William. Each of these eminent leaders, after his victory, proceeded to establish a system of his own. That of Cromwell was simple—strong, fierce, hateful, cruel; it might be comprised in one word, which, as Lord Clarendon tells us, was then constantly uttered in the English army—extirpation. What would have been the consequences if he had lived no one can tell, but his object is stated to have been to make Ireland completely English; however, he died, and his plans were interrupted. This policy vanished. The policy adopted by William III. and his advisers was, in seeming, certainly less cruel, but whether in reality less cruel I have my doubts. The Irish Catholics were to live, multiply, and replenish the earth; but they were to be what the Helots were in Sparta, or the Greeks under the Ottoman, or what the man of colour now is in Pennsylvania. The Catholic was to be excluded from every office of honour and profit; his every step in the road of life was to be fettered by some galling restriction. If desirous of military glory, he was to be told, you may go and gain it in the armies of Austria or France; if he felt an inclination for political science, he might meddle in the diplomacy of Italy and Spain; but if he remained at home, he was a mere Gibeonite —a "hewer of wood and drawer of water" But laws badly administered, fostered and increased the ill feeling thus began; and to this period and to these laws may be referred the peculiar and unfortunate relations between landlord and tenant which to this day; deform the social state of Ireland. A combination of rustic tyrants was opposed by a host of rustic banditti, who appear under various names, at intervals of four or five years, during the whole of the last century. Courts of law and juries existed only for the benefit of the dominant sect. The priesthood, of which we heard some anecdotes the other night, and very striking they were, who were revered by millions as the dispensers of the Christian sacraments and the great teachers of Truth, who were considered by them as their natural guides and only protectors, were ordinarily treated by the dominant faction, including the bulk of the gentry of the country, as no man of common good nature would treat the vilest beggar. A century passed away, and the French Revolution awakened a spirit of liberty throughout Europe. Jacobinism was not

a natural ally of Catholicism, but oppression and misery produce strange coalitions, and such a coalition was formed. A third struggle against Protestant ascendancy was put down by the sword, and it became the duty of the men at the head of affairs to consider what measures should be adopted to give for the first time peace and good order to Ireland. Little as I revere the memory of Mr. Pitt, I must confess that, comparing the plan he formed with the policy of Cromwell and William, he deserves praise for great wisdom and humanity. The Union of Ireland with Great Britain was part of his plan, an excellent and essential part of it, but still only a part. It never ought to be forgotten that his scheme was much wider in extent, and that he was not allowed to carry it into effect. He wished to unite not only the kingdoms, but the hearts and affections of the people. For that object the Catholic disabilities were to be removed, the Catholic clergy were to be placed in an honourable, comfortable, and independent position, and Catholic education was to be conducted on a liberal scale. His views and opinions agreed with, and were, I have no doubt, taken from those of Mr. Burke, a man of an understanding even more enlarged and capacious than his own. If Mr. Pitt's system had been carried into effect, I believe that the Union with Ireland would fully now have been as secure, and as far out of the reach of agitation, as the Union with Scotland. The Act of Union would then have been associated in the minds of the great body of the Catholic Irish people with the removal of most galling disabilities. All their religious and national feelings would have been bound up with the English connection; and the Parliament in [College-green would have been remembered as the most tyrannical, the most oppressive, the most venal, ac-according to its deserts, the most corrupt assembly that ever sat on the face of the earth. In saying this, I can be giving no offence to any Gentleman from Ireland, how strong soever his national or political feelings may be, for I only repeat the sentiment which has been expressed by one of his own countrymen. Mr. Wolf Tone, said—

"I have seen the corruption of Westminster Hall, I have seen jobbing of all sorts in colonial legislatures, I have seen corruption in the Council of Five Hundred, but anything bordering on the infamy of College-green never entered the heart of man to conceive."

Not only, I say, would the Union, if the measures I have alluded to had passed, have been associated in the minds of the Catholic population of Ireland with great wrongs removed, with great benefits received, but those benefits must have inspired a corresponding feeling of gratitude, because they were conferred when England was at the height of her power, and in the moment of victory. I believe if those measures had passed, we should not now have been contending with agitation for the Repeal of the Union. Unhappily, however, the Union alone, of all the measures planned by Mr. Pitt, was carried, and the Irish Catholics found that they had not the name of national independence, that which to them, however little its intrinsic worth, was a source of pride, and that they had obtained no compensation by an addition of civil and religious liberty. Hence the Union, instead of being associated in their minds with penal codes abolished generously, and religious disabilities swept away, became an emblem of disappointed hopes and violated pledges. Nevertheless, it was not even then too late. It was not too late in 1813; it was not too late in 1821; it was not too late even in 1825; if the same men who were then, as they are now, high in the service of the Crown, would have made up their minds to say that which they were forced to say four years later; even then the benefits of the policy of Mr. Pitt might have been realised. The apparatus of agitation was not then organized, the Government was under no coercion; that which was afterwards given in 1829 might have been given with honour and advantage, and might, most probably would, have secured the gratitude of the Irish Catholic people. But in 1829 concession was made, and largely made—made, too, without conditions, which Mr. Pitt would undoubtedly have imposed—but still made reluctantly, and with obvious dislike—made confessedly while the Government was in a state of duresse, and made from the dread of civil war. Was that concession calculated to inspire the minds of the Irish Catholics with gratitude and content? Had it not rather a tendency to inspire the minds of those Irish Catholics with a feeling and opinion to be most deeply lamented, that they could only obtain redress by opposing the Government; with the evil effects of which we are at this day contending. Could these men forget that they had been coming before the English Parliament for twenty-seven years as suppliants, represent-

ing, pleading the justice of their cause—urging the rights of conscience and the civil liberty of the subject—pointing to previous solemn pledges, to the promises of Mr. Pitt, even to the supposed promise of George IV. when Prince of Wales, and pleading and urging all these reasonable arguments in vain? Could they forget that the most profound thinkers, the most eloquent orators, had waked and toiled in their cause in the English Parliament—and had failed to procure them redress. Mr. Pitt endeavoured to fulfil his pledge, and he was driven from office. Lord Grenville and Lord Grey endeavoured to do less indeed than Mr. Pitt proposed, but some portion of that which Mr. Pitt proposed to carry into effect, and they too in turn were obliged to abandon power. Then came Mr. Canning; he took part with the Catholics, and he was rewarded by being worried and hunted to death, by the party which is now in office, and of which he was perhaps the most distinguished Member. And when he, one of the brightest ornaments of Parliament and the eloquent advocate of the Catholic cause, was laid in his grave, then the Catholics began to look to themselves for aid, to display that formidable array of force, just keeping within the limits of the law, which soon produced most memorable consequences, and led to a result which their noblest advocates had been unable to achieve. Within two years after that great man was carried broken-hearted to his resting place in Westminster Abbey, everything he could have done—nay, more than he could have done—was effected. Was it possible, then, that from that moment there should not have been an opinion deeply rooted in the minds of the whole Catholic population of Ireland, that from England, or, at all events, from that powerful party which governed England, nothing was to be got by reason or by justice, but everything by fear? However, the concession was made at last, but made so that it deserved no gratitude, and obtained none. The organization of agitation was complete. The leaders of the people had tasted the pleasure of power and distinction; the people themselves had grown accustomed to excitement. Grievances enough remained, God knows, behind to serve as pretexts for agitation, and the people were imbued with a sense that nothing was to be got by pleading, and justice would only be awarded to power. These I call the remote causes of the difficulty we have now to deal with; these are the causes which explain a great part of that immense mass of discontent and morbid feeling which has come down to us in our day, as a proof the constant, uninterrupted misgovernment of Ireland from the reign of Henry II. to that of William IV. These are the evils with which the statesmen of the present time have to deal. And now for the immediate cause of the present alarming condition of Ireland. There is I conceive, if I understand it rightly, a great predisposition to disease, but not of absolute paroxysm. Ireland is always combustible, but not always on fire. The right hon. Baronet opposite, during that time when he appeared before the public as a candidate for the high situation he at present fills, announced himself under the title of a physician, and he used several metaphors, if I remember rightly, drawn from the situation of a medical man at the bedside of a patient. If I were to follow out the metaphors of the right hon. Gentleman, I should say that Ireland—I do not accuse the right hon. Baronet of having poisoned his patient who was in an ill state of body, but that the malady was one which, by former good treatment, had been long kept under, and one which, by the continuance of such treatment, might have been subdued, until the whole system had become, in the course of time, restored, and the patient gradually placed in a sound and healthy condition. But the right hon. Baronet's policy has been to apply irritants, which have produced nothing but a series of paroxysms—every one more powerful than its predecessor—and now the condition of the patient, unless you adopt most decisive measures, threatens a most formidable crisis. It is impossible to doubt that the Administration of Lord Melbourne was popular with the great body of the Catholic population of Ireland. It is impossible to doubt that the two viceroys he sent over to Ireland received a larger share of approbation from the great body of the Irish people than any viceroys from the time of William III. We know that during his Administration great perils threatened the Empire in other quarters; but we know also, that to whatever quarter the Government might look with apprehension, to Ireland they might look with confidence. When some designing men raised disturbances in England, and an insurrection was threatened, troops could be spared from Ireland. When an insurrection broke out in one of our colonies—an insurrection, too, in which it might be supposed the Irish Catholics would be inclined to sym-

pathise, seeing that it was the insurrection of a Catholic population against an English Protestant domination, even then the Catholics of Ireland remained true in all things to the general Government of the Empire, and Ireland could spare troops to suppress the insurrection in Canada. And no one, I believe, doubts, that if in 1840 there had been an unfortunate necessity to go to war, and if a foreign Power had sent an army such as once before appeared there on the shores of Munster, that army would have met with as warm a reception as if it had landed on the coast of Kent or of Norfolk; and no one doubts that there would have been a general determination on the part of the Catholic population to defend and support the Throne of Queen Victoria. Under what circumstances and by what means were these effects produced? Not by great legislative boons, conferred by the Government upon the Irish people —for that Government, although it had the inclination, had not the power, against the strength of a powerful minority in this House, and of a decided majority in the other House, to carry any such legislative measure. No, it was merely the effect of an Executive Administration, which, crossed and thwarted as it was at every turn, contending, as it had to contend, against the whole power of the Established Church, and a very formidable portion of the aristocracy and the landed gentry, yet, with such means and such powers as it had, endeavouring honestly and in good faith to remove the religious distinctions which had been maintained in practice after they were abolished by the law, and to conciliate the affections of the Irish people. And I cannot help thinking that if that Administration had been as strong in Parliamentary support as the present, if it had been able to carry into full effect measures for extending to Ireland the benefits of the British Constitution, that in one generation, by such administration and legislation, the Union would have been as secure against popular agitation as is the trial by jury, or the most revered part of our Constitution, But this was not to be. During six years an Opposition, powerful in numbers, formidable in ability, selected the Administration of Ireland as the object of their fiercest, deadliest attacks. Those Lord Lieutenants who were most popular in Ireland were assailed as no others had ever been assailed; and assailed, too, for those very efforts of their Administration which were the chief causes of the conciliation of the Irish people. Every legislative Act, too, without exception, introduced by that Government for the advantage of Ireland, was either rejected altogether, or mutilated. A few Catholic gentlemen, men of eminent ability and stainless character, were placed in situations which I can only say were below their talents and desert. Those appointments were hailed with great satisfaction by their countrymen. And no wonder! For 150 years of proscription, of ban and oppression, during which the powers of eloquence, as great as those of my right hon. Friend the Member for Dungarvon, and of other ornaments of his country, withered in utter obscurity under penal and disabling laws—after a century and a half of proscription, during which no Irish Catholic attained to those honours in the State to which his talents and character were entitled, unless he apostatised from his faith, and betrayed his country—at last a Catholic was sworn in of Her Majesty's Privy Council; a Catholic took his seat at the Board of Treasury; and another appeared at the Board of Admiralty. Instantly all the underlings of the great Tory party raised a yell of rage, such as the "No Popery" mob of Lord George Gordon, to whom reference has this night been made, could never have surpassed. That is one example of the feeling which was exhibited with regard to the Catholics, and of which we have not been without manifestations in this debate. The leaders of the party, indeed, even at that time seldom joined in that cry—although I could mention one, and, perhaps, even two eminent instances to the contrary—but the leaders of the party were accused of listening to it, and of enjoying it; of encouraging it, and of benefitting by it. It was not necessary for their purposes that they should do more. Still there were some public expressions used which sanctioned that outcry. "Aliens!" was the phrase used by one leader. "Minions of Popery" was the term employed by another. The Catholic priesthood, regarded with the deepest reverence and love by their flocks —and, from all I have heard, I believe they deserve that reverence—were assailed with most scurrilous epithets and rancorous abuse. They were called a "demon priesthood," and "surpliced ruffians." They were stigmatised from the Protestant pulpit as "priests of Baal" and as "false prophets" whose blood, like that of Jezebel, was to be licked by dogs. Not content with throwing these obstacles in the way of the Executive Government, and mutilating every

measure brought in for the benefit of Ireland: the Opposition of that day assumed an offensive attitude, and determined on bringing in a measure of their own for depriving Ireland of one of her advantages. They called it a measure for the Registration of Electors, but they now admit that it was an Act of Disfranchisement. I desire to take my description of that measure from no lips but their own, and what they would not then admit they admit most fully now. We said, if you impose a much more stringent mode of registration, you disfranchise the great body of the Irish voters. You denied it then, you admit it now. Am I to believe that you did not know all this as well in 1840 as in 1844? Has one fact been stated now that was unknown then? Has a single argument been brought forward now that was not then urged, and urged twenty, thirty, forty times on the floor of this House? But your explanation is, that the responsibility of office now rests upon you—that is, that you use your power to injure your country only when you are in Opposition, as a means of getting into office. Well, Sir, in place these Gentlemen are. It was very fit that such service should have its reward. It has had its reward. Several causes concurred to place them in the situation they now fill; but I believe the principal cause to have been the discontent which they excited in England against the Irish policy of the late Government. I believe that to have been the principal cause—and that it was a principal cause will hardly be denied. But in the eagerness for the contest they called up a spirit more easily evoked than laid—the spirit of religious intolerance. That spirit placed them in power, and then began their punishment, which continues to this day, a memorable warning to unscrupulous ambition. It was pleasant for them to hear the sermons of the Rev. Hugh M'Neile; to hear their cause represented by the High Churchmen, the Low Churchmen, and the Dissenters, as the cause of the Gospel, struggling against spurious Liberalism which made no distinction between religious truth and religious falsehood,—it was pleasant to hear that their opponents were the servants of Antichrist, the slaves of the Man of Sin, and marked with the Sign of the Beast; but when they came into power, they found they had to govern in this island and in Ireland about 8,000,000 of Catholics, who had been constantly, by themselves or their followers, insulted and defamed—what was the necessary result? I give them the fullest credit for not wishing to do the country the smallest harm—that was not necessary for the overthrow of their political opponents; and I give them credit for all the declarations they have lately made as to their desire to appoint Catholics to place in office. I believe in their sincerity, when they say they would wish to find a Conservative Catholic lawyer at the Irish Bar to elevate to the Bench. Nothing, no doubt, would delight them more than to find a Catholic Conservative Gentleman of good talent for business, and ability of speaking, to assist them in the business of Government. I believe all this; but they say, they cannot promote their enemies; and what I want to know is—why are all the Catholics in the Empire their enemies? Was such a thing ever heard of before? Here are 8,000,000 of people of all sorts of professions, all sorts of characters, of all ranks, the Peer, the lawyer, the merchant, the peasant, ranging from the Hereditary Earl Marshal, the heir of the Howards, the Mowbrays, and the Fitzallans, down to the poorest Catholic labourer of Munster—and all these are arrayed against the Government—was there ever anything like it? Is there anything in Catholic theology of a tendency to ally itself with Whig and democratic doctrines? On the contrary, its tenets are of an opposite tendency, and without going into questions of theology, it has been thought that, of all forms of Christianity, Catholicism is that which attaches most importance to antiquity, which rests upon immemorial usage; and it would, therefore, appear consistent with analogy, that there should be a tendency among Roman Catholics to Conservatism. And so I believe it will be found. In the Civil War, was there a single Catholic in the army of Fairfax? How many did they think fought against Charles I.? Not one. They were all arrayed under his banner. And when the reward of 5,000*l.* was placed upon the head of Charles II., Catholics of all ranks were found faithful to him, and amongst them he took refuge. Who stood so firmly as the peasantry of that faith to the cause of monarchy? It was so in La Vendée—it was so in the Tyrol—it was so in Spain; and are we now to believe that under a fair Government, a just Government, an equal Government, the professors of the Catholic faith in Ireland would not be found friendly to that Government? My own belief is, that the Tory party made the greatest blunder they ever committed

when they threw the Catholics overboard. My belief is, that those who are acquainted with Mr. Burke's writings which I believe were the source whence Mr. Pitt drew most of his opinions with regard to Ireland, will be aware that Mr. Burke considered the attachment of the Catholics of Ireland to the Government might be well secured if the Government treated them with kindness, and that their attachment would be a great barrier against the inroads of Jacobinism. Under the influence of that opinion, he was in the latter part of his life the warm advocate of the Catholics. He justly considered that the alliance between a large portion of the aristocracy, with the venerable institutions of the country, and the ancient Church to which they were attached, was so material, that nothing but madness could prevent the alliance. That opportunity of forming such an alliance was thrown away by the pretended disciples of Mr. Pitt, who, professing to drink his health on his birth-day, as the saviour of his nation, have renounced every one of his principles. Now see where all this ends. You are forced to bestow your patronage among the Protestants, that class of ultra Protestants who may be called Orangemen, though I do not speak of them as connected with Orange Societies. Then these appointments must necessarily increase the discontent of the Roman Catholic body, and this discontent goes on producing and reproducing, and will continue to go on, and will go on re-producing similar results, unless Parliament shall furnish a great and decisive remedy. By the principles upon which the present Government, I believe, acts, as far as respects all favour of the Crown, the great measure of Emancipation is utterly annihilated. Of all the boons that were supposed to have been conferred by the Act passed in 1829, Catholics of Ireland have, as far as I conceive, obtained only one, and that is, admission to Parliament; and they would not have possessed even that, if the present Government, when in opposition, had been able to pass their Irish Registration Bill. The wounded national spirit, the wounded religious spirit now breaks out, and shows itself in a hundred forms, some of which I abhor, and some I condemn, but none excite my amazement, and all seem the natural effects of gross misgovernment, acting on strong sensibility. You refuse to admit the Roman Catholic to a fair and full communion in the Constitution, and he, therefore, finds out a narrow local patriotism, confined to Ireland. Turn where he will he sees every office, and I may add, stall, filled with those whom he considers, and not without reason, as his enemies. What more natural than that a people in such a situation should set up their own tribune, against the regular constitutional authorities of the country! They all remember, and it would be strange if they did not, what their union, under the same guidance as now, extorted from your fears, in 1829, and they have determined to try whether similar effects cannot be produced from the same means in 1844. These are your difficulties, and they are of your own making. Great statesmen have sometimes brought themselves into difficulties, and have yet retrieved their credit for wisdom and firmness by the manner in which they extricated themselves. Let us see, then, how you meet your difficulties; and first with regard to legislation. The beginning and the end of all your legislation, last Session, for the evils of Ireland were comprised in your Arms Bill. There was no conciliation in that; and it was not worthy the name of a measure of coercion, but simply a measure of petty annoyance. It satisfied the desires and was sanctioned by the judgment of neither side of the House. We called for a boon of a different sort for Ireland, whilst your Friends, or many of them called for a still more vigorous coercive measure; and one noble and learned Lord was so much struck by your remissness in this respect, that he even bestowed some of his own great abilities in framing an Irish Coercion Bill. The fruit of your legislative wisdom in the last Session of Parliament, then, is the Arms Bill only. Then, as to the executive measures of administration which you have dealt out to Ireland, during the recess, I protest in the strongest manner against what was said by the noble Lord the Secretary for the Colonies, the last night the House met, that in his opinion no reasonable man could find fault with the Government on this ground, because it was proved that it had done all that was possible. Now, by the statement of the Government itself, it appeared plain that the Proclamation against the Clontarf meeting was agreed to on the Friday morning; and for them to say that it could not have been made known in Dublin and its suburbs until after dark on the Saturday evening was an absurdity. It was idle to weigh the words of a Proclamation at such a time when they should have been occupied in weighing the lives

of the Queen's subjects. No rational person will venture to say, if there had been in the minds of the rulers of Ireland a proper sense of the hazards they were running, that that Proclamation could not have been published in Dublin and its neighbourhood early on Saturday morning, by which the hazard of the loss of many lives might have been avoided. And by whose agency was that evil warded off? By the interposition of the man you have prosecuted. Fortune stood your friend, and he stood your friend, and it was by his exertion mainly that, in all probability, a scene more terrible than that which occurred at Manchester was prevented. But I will pass from that, and come to the prosecution. The charge I make against this proseeution is one and simple. The one main charge I bring against the Government is this, that they seemed not to have considered the nature of such a prosecution; that they regarded it as proceeding in a suit of *meum* and *tuum*, in a *qui tam* action for the recovery of penalties. They considered nothing but this—whether they could get together such evidence as to facts, and such opinions as to law, as would entitle them to a verdict and a judgment. Now, my opinion is, that both the verdict and judgment in a great political case are the very smallest part to be considered. What the Government has to ask itself, when instituting a great public prosecution, is, will our moderation and justice stand the test of public opinion? What will be the effect produced on the public mind by our proceedings? Of course, the law must be strictly observed, but that is only one of the conditions of a public prosecution. To make it wise in the Government to adopt such a measure as a prosecution, it is necessary that its conduct should be such, not only that it could not be questioned, but that prejudice itself could not cavil at it. You were instituting a prosecution against an individual of whom I feel considerable delicacy in speaking in his present situation—a situation which, however, did not prevent an hon. Member from vindictively assailing him, which, but one man in this House would do. My belief is that, as regards the end that hon. Gentleman has lately been pursuing, it is not only mischievous but wholly unattainable. I regard with deep disapprobation some of the means pursued to obtain that end; and in saying this, I wish to speak with the respect that is due to eminence and misfortune; but with the respect that is due to truth. I must say too, that the position which Mr. O'Connell holds in the eyes of his fellow-countrymen, is a position such as no popular leader in the whole history of mankind ever occupied. You are mistaken if you imagine that the interest he inspires is confined to this island. Go where you will upon the Continent, dine at any *table d'hôte*, tread upon any steam-boat, enter any conveyance, from the moment your speech betrays you to be an Englishman, the very first question asked—whether by the merchants or manufacturers in the towns in the heart of France, or by the peasant, or by the class who are like our yeomen, the first question asked is, what has become of Mr. O'Connell? ["*Oh, oh.*"] Let those who deny this assertion take the trouble to cross the Channel and he will soon be convinced of its truth. Let them only turn over the French journals. It is a most unfortunate, a most unhappy fact—but it is impossible to dispute—that there is, throughout the Continent, a feeling respecting the connection between England and Ireland not very much unlike that which exists with respect to the connection between Russia and Poland. I do not approve of this feeling, but it is natural that it should exist. Without adverting to the immense jealousy which the great power of England produces, I may remind the House that the Irish agitation has on the Continent two aspects, which enlists the sympathies in common of Royalists and Democrats. As a popular movement, it is looked upon with favour by the extreme left in France, or by the democratic part; while, by its involving the cause of Catholicism, it obtains for itself the countenance of the extreme right, and of those who espouse the cause of the Pretender; and in this manner it has probably created a wider interest and more support on the Continent of Europe than any other question of our domestic politics was ever known to command. I do not, it is unnecessary for me to say, urge this for the purpose of frightening the English Government; but I do say, that on such a question, it is of the greatest importance that the proceedings which the Government have taken should be beyond impeachment, and that they should not have sought a victory in such a way that victory should be to them a greater disaster than a defeat. Has not that been the result? First, is it denied that Mr. O'Connell has suffered wrong? Is it denied that if the law had been car-

ried into effect without those irregularities and that negligence which has attended the Irish Trials, Mr. O'Connell's chance of acquittal would have been better—no person denied that. The affidavit which has been produced, and which has not been contradicted, states that twenty-seven Catholics were excluded from the Jury List. [Mr. *Sheil:* Hear.] My right hon. and learned Friend, whose voice I hear, is competent to do more justice to this part of the subject than I possibly can. But take even the statement made the other night to the House by the right hon. and learned Gentleman opposite, the Recorder of the city of Dublin. He said, that twenty-four names, the majority of which were Roman Catholics, had been omitted. It is very easy to talk of 720 names being reduced to forty-eighth; but what is the forty-eighth part of 720? Fifteen. Now, if these fifteen names happened to be Roman Catholics, there was an even chance, that another Catholic would be one of the forty-eight. But it is admitted, that twenty-seven Catholics were omitted from the list; and this would give almost an even chance of there being two Catholics among the forty-eight. Will any human being tell me that Mr. O'Connell has not, by that violation of the law, suffered a distinct wrong? Will any person say, that it is impossible, or that it is not even very highly probable, that a different result might have taken place but for this blunder? For, remember the power which the law gives to any one juryman. It is in the power of any juryman, if his mind is made up, to effect a conviction or an acquittal. But is this my opinion alone? What is the language of Judge Perrin? As I find reported in the papers favourable to the prosecution, he said, that in the getting up this part of the case there were great negligence, failure of duty in regard to the striking of the Jury, and that he was not prepared to say, that that was the result of accident, or that there were not circumstances of suspicion. Why, this was the statement of one of the Judges; and when the noble Lord calls upon us to pay respect to what the Judges say, are we not bound to regard his words? That learned Judge must necessarily know better than I can, or than any other Englishman can, what sort of tricks are likely to be practised in the striking of a jury in Ireland, and he says that he is not satisfied that this blunder was the effect of accident. But I now come nearer to the business—I come to the right hon. Baronet, the Secretary of State for the Home Department, who said, and truly said, "We are not responsible for this." I know the right hon. Baronet is not. The right hon. Baronet added, "I regret it most deeply—I wish it had been otherwise, for I feel, that by this matter a prejudice has been created to the administration of justice." This is exactly what I regret. I say a prejudice has, by this transaction, been created to the administration of justice. I say the taint of suspicion has been thrown upon the whole of these proceedings. Nothing can be more true, and I wish to know what must be the practical effect of these words? I wish to know whether, in a great cause upon which the eyes, not only of Europe, but of the civilised world, are fixed, it is not the only noble and manly part for the Government to take to say, "A mistake has taken place—that mistake has created a prejudice to the administration of justice, and we cannot, and will not, avail ourselves of the conviction so obtained." I am ready to take the facts as they have been stated with regard to the striking off the names from the list. There may be very good and excellent reasons, no doubt, for doing so—but does that settle the question? Is not the question this—was it possible in a great case, pending between two great religions and races, to have a fair verdict at the hands of a Jury of Protestants? I know that all the technicalities of the law were on the side of the Crown, but my great charge against the Government is, that they have merely regarded this question in a technical point of view. We all know the principle upon which a jury *de medietate linguæ* was founded. Suppose a Dutch sailor landed on our shores in a broil stabbed an Englishman. For that offence he would not be left to be tried by twelve Englishmen. No; our ancestors knew that that was not the way in which justice could be obtained—they knew that the only proper way was to have one-half of the jurymen of the country in which the crime was committed, and the other half of the country to which the prisoner belonged. If any alien had been in the situation of Mr. O'Connell, that law would have been observed. You are ready enough to call the Catholics of Ireland "aliens" when it suits your purpose—you are ready enough to treat them as aliens when you can raise a prejudice against them; but the first privilege, the only advantage of alienage, you practically deny them, when you re-

fuse them in a case above all others requiring it, a jury *de medietate linguæ*. Is it possible that any reasonable man can conceive, that in a case in which the feelings of two sects and creeds are set against each other, a Jury composed of one of these sects could do justice? But could you not have avoided this? Why should you not have had a common Jury? A common Sheriff's Jury, containing several respectable Catholics, who were not members of the Association, was not difficult to be obtained. A trial by such a Jury would have tended much to settle men's minds, and to conduce to the pacification and quietude of the Irish portion of Her Majesty's dominions. But you—the Government—have now got a verdict from a Jury impanelled contrary to law—a verdict from a Jury from the constitution of which no man could expect justice—a verdict delivered after a charge from the Chief Justice which has been pronounced unprecedented, but which I will not say is unprecedented, because it so strongly resembles some of the charges communicated to juries in the State Trials, which distinguished the seventeenth century! With this panel — with this jury — with this charge—you have obtained a verdict, and what are you the better for it? Has the verdict tended to quiet Ireland? I know that Ireland is quiet at the present moment, and will be so probably, from the present time until that at which the sentence shall be executed, because the whole Irish people, feeling the deepest interest in the fate of that eminent man, their leader, will avoid doing anything which may place him in a more dangerous position. But your difficulties will begin when a prison's wall closes upon the hon. and learned Member for Cork. By what means do you intend to prevent a very serious and strong outbreak of popular feeling? Is it possible that a man who has possessed himself so boundlessly of the feelings of the Irish people is all at once to lose his popularity, because he has become a martyr. I am as much attached to the Union as any hon. Gentleman, and as much opposed to the demand made for its Repeal. If I, who am as much attached to the Union as any Gentleman opposite, and who as much dislike some of the means which have been used to excite the people against it—if I cannot in my conscience say that Mr. O'Connell has had a fair trial—if the right hon. Gentleman opposite (Sir J. Graham), who tells us that "a prejudice has been created to the administration of justice," cannot say it—if Englishmen, friends of the Union, cannot say that no suspicion lies on the verdict, and are convinced of its unfairness, what must be the feelings of the people of Ireland—the people who agree with Mr. O'Connell, and heartily assent to all the views which he propounds to them in his ardent and enthusiastic speeches. And what are you to expect from his incarceration? The power of his name will remain to stir up their minds, though you deprive them of his presence, which has been so often exerted in preventing their excitement from breaking into acts of violence. This seems to me to have been your conduct as to the past. And now as to the future. Your executive measures, I fear, are of the same sort. What have you given them hitherto? Soldiers, barracks, a useless State prosecution, and an unfair trial. And what have they now to look forward to? An unjust sentence—its infliction, and more barracks and more soldiers. With respect to your legislative measures, it is true you propose a Bill for the Registration of Irish Voters, coupled with an increase of the Franchise. But what the provisions of that measure are we cannot as yet foresee; all we know is that the subject is one on which it is impossible for you to legislate at once with credit to yourselves and with benefit to the public; all that we can say with confidence is, that the measure must either be destructive to the representative principle in Ireland or to the remnant of your own character. Of the Landlord and Tenant Commission I say nothing. On that subject, too, a report is to be made, but when we shall have the report nobody can say. On some future occasion I may have an opportunity of going at length into another very important question, I mean the Established Church in Ireland. All I can do now is to take some short notice of the manner in which the question has been alluded to in the course of the debate. I must say that I have heard declarations on this subject from some Gentlemen opposite with which I am highly delighted. I only regret that their votes will not accompany their speeches. But from Ministers we have heard nothing except this—that the Established Church is there, and that there it must remain. As to the speech of the noble Lord (Lord Stanley), when I hear such a defence of the Establishment from a man of his eminence what inference can I draw but that nothing better can be said for it? What is the noble Lord's argument. That

in 1757 and 1792, and I believe, some other years, when Roman Catholics were seeking the removal of penal laws and disabilities, they did not complain of the Established Church as a grievance. Is it not, let me ask, perfectly notorious, that such is the ordinary progress of all questions? When men are at a distance from their desired object — when they, perhaps, see little hope of ever attaining it, they do not go the full length of even their just demands; but after the men who sought less have been thirty years in their graves, and circumstances have entirely changed, their successors may have a right to take up a different position. The noble Lord now comes to us and tells us what the Catholics said when suffering under the penal laws, as if that were a reason for our not taking into consideration the state of the Church in Ireland. Why, I will give the noble Lord a proof to the contrary from his own practice. Does not the noble Lord know that during the discussions on the Slave Trade, all who spoke disclaimed in the most earnest manner any desire for the emancipation of the slaves; nay, emancipation was not then so much as thought of, and the speeches of Lord Grenville, Mr. Pitt, Lord Howick, and of my honoured and revered friend—of whom I can never speak without respect and regard—Mr. Wilberforce, were directed against the Slave Trade, and did not say one word about emancipation. I know that in 1807, when the Duke of Northumberland, in the ardour of generous youth, rose to propose a bill to abolish slavery, Mr. Wilberforce pulled him down, and told him that their first object should be to abolish the Slave Trade. But did the noble Lord (Lord Stanley) feel that that was a reason to be urged against him when he brought in his Bill to abolish slavery? When he had pointed out with so much eloquence the horrible evils of the whole system, suppose any man had got up and said that in 1792 Mr. Pitt and Mr. Wilberforce only wished to abolish the Slave Trade, would that have been considered an answer to the noble Lord, who was anxious by his Bill to emancipate the slaves? Thus the noble Lord's argument is confuted by his own practice. Then as to the Act of Union, it seems that the fifth Article sticks in the noble Lord's throat: that must on no account be altered. But does not the fourth Article of the same Act fix the number of Members who should sit in this House? Yet the fourth Article has notoriously been abrogated, and who brought in the Bill to abrogate it? The noble Lord. Next comes the question of the Roman Catholic oath; and here, were the noble Lord present, I might be disposed to say something more severe than I will utter in his absence. I will, therefore, confine myself to the strict bearings of the case, and putting the argument of the noble Lord to the utmost, it amounts to this, that the Roman Catholic Members should walk out into the Lobby when ecclesiastical questions are about to be discussed, but not that the Protestants who might be left within the House should not discuss and mature measures for altering the relation of the Establishment in Ireland to the people? Is it any argument to say, that when a particular man is tied up by an oath no one else shall presume to touch the matter against touching which he is bound; that when the Roman Catholic Members should have left the House the 640 remaining Members could not discuss the Oath or the propriety of altering the condition of the Established Church in Ireland? Surely this is the strangest argument that was ever addressed to the House. I do hope, that the right hon. Baronet opposite (Sir R. Peel) will deal with the subject in a larger manner—in a manner worthy of his high position and eminent character. He I am sure will not come down with a piece of *Hansard*, or with old declarations made in '57 and '92. I do hope that he will grapple with that subject like a great statesman, and not palter with it like a puny politician. Let him consider these questions:—Is the institution a wise one or a bad one? What are the ends for which an Established Church exists in Ireland? Does the Established Church in Ireland accomplish those ends? Can a Church which has no hold in the hearts of the great body of the people be otherwise than useless, or worse than useless? Has the Irish Protestant Church any hold in the hearts of the great body of the people? Has it, during the two centuries and a half that it has existed in Ireland, made any vast conquests of conversion or proselytism? Has it been what the Churches of England and Scotland have been called with much justice, the poor man's church? Has it nursed the great body of the people in virtue, consoled them in affliction, or drawn down upon itself the respect and reverence of the Nation and the State? To be able to answer these questions in the affirmative is the true and rational defence of the Church of Ireland, not by making

quotations from forgotten speeches, or producing passages from mouldy petitions, presented in the time of George the Second, and ever since laid by with legislative lumber. Do not let us again be told that many years ago all which the Roman Catholics asked was the removal of certain penal laws: why, in 1757, no Roman Catholic would have gone even the length of requiring admission into Parliament. They did not then carry their demands for justice half the length of what they have since obtained. I think I have now said enough to justify the vote I shall give in favour of the motion of the noble Lord. I think that the evils we deplore have been brought upon Ireland by a false and pernicious policy. I think that the mode in which it is proposed to deal with those evils will tend, not to lessen, but to aggravate them. While the present system is pursued in Ireland it is impossible that she can be peaceable; and, until Ireland is peaceable, the British empire cannot enjoy her full power and proper dignity. The accordance of all classes is necessary to her strength, and her dignity is identical with her security. In every negociation, whether with France on the Right of Search, or with America on the Boundary, while Ireland continues discontented that fact will be uppermost in the minds of the diplomatists on both sides, and while it restrains and cripples the one, it will embolden and invigorate the other. Such must be the necessary and inevitable consequence. This is, indeed, a great and splendid, a mighty Empire, well provided with means of annoyance, and with weapons of defence. She can do many things which are far beyond the power of any other nation in the world; she dictated peace to China; she governs Australasia, and she rules Caffraria. Should occasion again arise, she could sweep from the surface of the ocean the commerce of the world, and, as formerly, blockade the ports, and spread her triumphant flag from the Baltic to the Adriatic. She is able to maintain her IndianEmpire against every threatened hostility, whether by land or sea; but, amidst all this vast mass of power there is one vulnerable point—one spot unguarded, and that spot nearest to her heart; a spot at which, forty-five years ago, a deadly, happily not a fatal, blow was aimed. The Government and Parliament, each in its sphere, is deeply responsible for the continuance of such a lamentable state of things, and for my part of that responsibility, I intend to clear myself by the vote I shall give in favour of the motion of my noble Friend, and I trust that I shall find with me so large and respectable a body of Members of this House, as shall satisfy the Irish Catholics that they still have friends in England, and that they need not yet relinquish all hope of protection from the wisdom and justice of an Imperial Parliament.

The *Solicitor General:* I assure the House that at this hour, and on the fifth night of debate, I shall not attempt to follow the right hon. Gentleman through his powerful and elaborate speech on the history and past condition and past legislation of Ireland. On this as on other occasions the right hon. Gentleman has delighted the House by his eloquence; but I may be allowed to say that I look in vain for any arguments which ought to induce hon. Members to vote for the motion of the noble Lord. What is that Motion? I will take it from the statement on the opposite side; the object of the Motion is to induce this House to pass a Vote of Censure on the conduct of Ministers, for the course of policy they have adopted towards Ireland since their accession to office, and above all for the steps taken by them in the recent State Prosecutions. [Lord *John Russell*: One of the objects.] Yes; one object of the Motion of the noble Lord is to censure the late prosecutions; but I may ask the noble Lord if he have not another? Is not this also a party Motion, brought forward by a late Minister of the Crown in order to assail his political opponents? Such being the objects, let me inquire if the effect of his Motion will not be to give encouragement to those who have violated the law in Ireland? That country has been represented by some hon. Members opposite as in a state of disaffection, if not of revolt, to the present Government, and I think therefore I have a right to complain of the time when the Motion has been brought forward. The noble Lord has introduced it at a moment when it is utterly impossible that some of the topics connected with it can be discussed with that freedom which ought to belong to every question mooted in this assembly. Although the verdict has been given, the proceedings are not yet terminated: no judgment has been passed—no sentence has been pronounced; and yet in this stage we are called upon to debate, not so much the propriety of instituting the prosecutions as the question of their legality or illegality. Moreover, we are asked to enter upon a consideration of

the demeanour of some of the advocates, and even of the conduct of the Judge who presided on the occasion. I cannot help thinking that this is not the right place, nor the right time, for such a discussion, when we recollect that it regards the very tribunal which has yet to pass sentence upon the convicted parties. I should not at any time venture to arraign the motives of the noble Lord. I have no right to inquire into the reasons which induced him to make certain observations in his opening Address; but I must say, that the speeches of the noble Lord, and of many other Gentlemen opposite, especially that which we have just heard, appear in a great degree to be intended as a vindication of those who were recently prosecuted to conviction. Whatever may be the course pursued here, I am quite satisfied that it is the opinion of the great majority of the well-affected and well-disposed throughout the United Kingdom, that a heavy responsibility will rest upon the noble Lord and his party for the course they have thought fit to pursue. I will examine for a moment the grounds on which the Motion is made. You say that you will pass a Vote of Censure upon the Government. Now, I will ask, what has there been to call for, still less to justify, a Vote of Censure? The considerations urged in support of this Motion are two-fold: one the general policy which regulated the Government of Ireland; the other the recent State Prosecutions. I wish to address myself principally to the latter of these subjects. We are told that the law has been grievously strained, and that new laws have been applied to purposes for which they never had been intended. It is said that the trial was not a fair investigation of the question at issue. I hope, then, that the House will permit me to call its attention to the question that has been raised. I have no intention of proceeding into minute and technical details, for I am under no necessity of doing so, as the question happens to be one that involves large and broad principles, to the examination of which alone, I mean, on the present occasion, to confine myself; and I hope to be able to satisfy those who do and those who do not belong to the profession of the law, and I hope likewise to satisfy the House and the country, that there has been no straining of the law; that the trial has been perfectly fair, and that the verdict which the Jury found was fully borne out by the evidence laid before them. I am bound to begin by saying, that, in examining this question of the prosecutions, we must look at the state of Ireland for some time antecedent to the commencement of proceedings in the Court of Queen's Bench. When I have done so, I will fearlessly appeal to the House, whether Ministers are liable to censure for the course they have pursued towards Mr. O'Connell and his associates. These prosecutions commenced in the month of October last. The Repeal Association had been for some time formed, and had at the period in question been in full operation: that Association was under the influence of those Gentlemen whom the Queen's Attorney General had thought it his duty to bring to trial. The ostensible objects of that Association were well known, and the means by which it sought to carry those objects into effect were equally notorious. Those objects and those operations of the Association had already effected great mischief in Ireland. The ostensible objects, as it is well known, were a Repeal or a Dissolution of the Legislative Union between Great Britain and Ireland. The Members did not avowedly say, that they were associated to sever the connection between England and Ireland; but they did say, that their object was a Repeal of the Legislative Union. I believe it is the opinion of most of those I have the honour to address, as well as of the great majority of the inhabitants of England and Scotland, that if the Legislative Union were once repealed, the separation of the two countries would necessarily follow. I was not present in the House when the noble Lord opposite applied himself to this part of the question: but I have seen a statement attributed to him in which he is represented as saying, that to form an Association for a Repeal of the Union was as legal as to form an Association for the Repeal of any other Act of Parliament. Now, I take upon myself to controvert that assertion. There can be no doubt, that the Imperial Legislature does possess the right and the power to repeal the Union; but I think the House will agree with me, and I am sure every constitutional lawyer must agree with me, that there are certain Acts of Parliament which are intended to be permanent while the British Monarchy continues to exist. [*Oh, oh!*] I say, there are such Acts of Parliament; for example, there is the Act of Settlement under which Her Present Majesty wears the Crown of these Realms. Will any one tell me that that was not intended to be permanent? There is also the Act under

which Scotland and England became one United Kingdom. It is true, that Parliament may repeal that, and repeal likewise the Act of Settlement, letting in all those who might claim to be entitled by hereditary descent: we might restore their Parliaments to Scotland or to Ireland; but does that disturb in the least degree the position with which I set out—namely, that those statutes were intended to be permanent? Surely, then, they do not stand on the same sort of footing as a Corporation Act, or any other Bill that might be passed by the two Houses of Parliament. Let me guard myself against being misunderstood. I am not putting any construction upon anything that I impute to the noble Lord of my own knowledge, but I have seen attributed to him language to the effect which I have stated. I have seen a placard which I understand has been circulated in Ireland, and which has been put forth for the purpose of justifying the Repeal Association, and obtaining sanction for its proceedings, under the authority of the noble Lord. Upon similar grounds the noble Lord might justify similar means to obtain the repeal of any of the other permanent Acts that I have mentioned. [Lord *J. Russell:* The hon. and learned Gentleman is mistaken.] I was not present when the noble Lord delivered the opinion to which I have referred; all I know is, that placards are now being circulated in Ireland, in which language of this description has been attributed to him; and in which his authority has been evoked for the purpose of giving a legal sanction to the conduct of the Association, and of taking exception to the Crown prosecutions. In examining this question of the prosecutions, I am anxious to say as little as possible of the parties who have been placed in the situation of defendants; but I cannot help reminding the House that they had been for some time previously acting through the Association. We find that by means of the Repeal Association, and by means of Repeal Wardens, that by the distribution of printed statements, by the publication of newspapers and placards, they had produced serious and extensive effects upon the minds of the Irish people. I will not say, that they contained seditious or treasonable articles—but I will say, that the greater part of them must have had the effect of exciting the deadliest hatred and hostility between one class and the other—between the Roman Catholics and the Protestants of Ireland, and between the Roman Catholics and the Protestants of England. Besides that, if anything more were wanting to show the object of the parties, a card was given to each member of the Association, bearing an inscription that no power should make laws for Ireland, but the Sovereign and the Lords and Commons of Ireland, together with the names of four victories obtained by the Irish people over the English, or of the Roman Catholics over the Protestants in times gone by. It must be borne in mind what were the objects of those who addressed the persons to whom these cards were given, and who were the persons addressed. These persons, to use the words of the hon. and learned Gentleman, the Member for Liskeard, were at the disposal and at the command of one of the parties who was afterwards included in the indictment for conspiracy; so much under his command were they, says my hon. and learned Friend, either for the purposes of action or of inaction, that they were ready to bide their time if he directed them, or to go into instant action at his bidding. What, then, was the state in which the country was? We find such cards distributed amongst those so disposed; we find meetings of hundreds of thousands, assembled under the direction of the Repeal Wardens, mustering on the ground in such numbers as to render all discussion impossible; and we find them addressed by leaders issuing threats and defiance, even of war, declaring that they were ready for war itself if the people of England breathed but the word. Is this a state of things for a Government to look calmly on? I do ask the House whether the continuance of such a state of things in Ireland is consistent with the existence of any Government or of any law? Could such a state of things exist in any country calling itself civilised—can such a state of things exist where there is a Government and a law, and yet be without the reach of any law? I think that it is impossible. What was to be done? When hon. Gentlemen complain of the Government for instituting this prosecution against the parties who were the leaders, do they mean to say, that for all this there was to be impunity? The right hon. Gentleman who has just sat down, says, "now that the verdict is given, our greatest difficulties will arise; if sentence is passed there will be an outbreak in Ireland." But surely the Government and the Legislature are not to act upon the principle that there was to be impunity for every act the pun-

ishment of which might cause an outbreak. If the hon. and learned Member for Cork has violated the law, surely the Government would neglect its duty if it did not enforce the law; and I am sure that no Government ought to be prevented from putting down such a state of things in consequence of a statement that amounts in fact, to this, that Mr. O'Connell is beyond the power of the law. Her Majesty's Ministers had declared that they would not ask for any additional powers. They did not attempt any change in the laws, or to constitute any other tribunal—they trusting to the force of the common law for restoring order in Ireland; and they did not seek for any additional powers. This prosecution, therefore, was instituted. For the form of proceeding adopted—for the mode in which it was conducted—the law officers of the Crown are responsible;—they are responsible as well for the indictment as for any charge that may be brought against their mode of proceeding. The noble Lord, however, who brought forward this motion, and the right hon. Gentleman who has just sat down, say that the law which has been enforced in Ireland is not the usual and the ordinary law. The right hon. Gentleman says that he has found precedents for it in the 17th century and in no other, and the noble Lord says that it is judge-made law. The noble Lord says, therefore, that it is not the ancient law, and the right hon. Gentleman says, that it is so old that precedents are to be found in the 17th century. [Mr. *Macauley* had alluded to the Judge's charge.] The noble Lord at all events said, that it was judge-made law. If by that statement the noble Lord means that this indictment was framed on the Common Law of England as declared by successive judges from the judgment seat, then I am prepared to say with the noble Lord, that this is judge-made law. The noble Lord says, indeed, that he is no lawyer, but the noble Lord knows from his historical researches, that the Common Law of England, so recognised by the Judges, is the great security for our lives and our property, nay, that upon this the freedom of our common country mainly depends, and it is on a part of this Common Law not administered in Ireland for the first time, or now first laid down by the Judges there, that this indictment was framed. The form, if not as old as the seventeenth century, is as old as I can trace back. It is the very form used in 1794, when parties were indicted for almost similar proceedings, when they were convicted, sentenced and imprisoned, at a time when Lord Kenyon was Chief Justice, and Justices Lawrence and Ashurst were upon the Bench. When the noble Lord says, that this is new law, has he consulted the law officers of his own Government? Has the noble Lord asked Lord Campbell? If he had, he would have found an indictment preferred by Lord Campbell when he was the Attorney-general of the noble Lord's Government, against parties for a conspiracy of the same kind, for meetings, and for words the meaning of which was similar to those used in Ireland, and he would have found that those parties so indicted were imprisoned and fined. He would have found other instances in which Lord Campbell, the Attorney-general of his own Government, had instituted similar prosecutions under which the parties have been tried, in which the expenses of the trial were paid by the Government of which the noble Lord was a Member, and wherein the parties were convicted and sentenced on those indictments. Whilst I have held office under the Crown in conducting the proceedings under the Special Commission at Stafford, I found committals by the Magistrates upon charges of high treason. I did not think them cases in which the parties should be tried for high treason, and similar indictments to this were preferred under the Common Law, upon which two parties were convicted, and are now imprisoned. If trials like these were to take place in England, against parties comparatively obscure, I ask whether a person of eminence, and therefore likely to have more effect with the people in consequence of that eminence, is to be free from an indictment similar to that which is common in this country every day, and which has been conducted by the very Government of which the noble Lord was a Member? Another objection made by hon. Gentlemen opposite against this proceeding is, that the acts of Mr. O'Connell and the other parties convicted were open acts, and were done in the face of day. And here I will make one remark with regard to the lawfulness or unlawfulness of the conviction, which ought in this House to be a sufficient answer to the objection, and that is, that it has been under the highest legal tribunal in Ireland, and that the point has been unanimously decided by the Judges. There has been no doubt thrown upon it by any one Judge upon the

Bench; they have declared that they were satisfied in point of law, if the evidence bore out the charge, that the offence was complete. But I will revert to the argument, that because Mr. O'Connell did his acts openly, and made speeches in open places, there could not be a conspiracy: or, as the noble Lord said, a conspirator worked in the dark and in secret. The same argument might now be used with respect to the conviction to which he had alluded: the indictments generally were against the Chartists for assembling great bodies of the people, for addressing to them exciting language, and for congregating them in different towns: the same kind of evidence was given on those trials as was given in Ireland. In truth, when hon. Gentlemen speak of a conspiracy carried on in the dark and in secret, they speak of what is not consistent with the law or with the altered condition of mankind. No doubt conspiracy—ay, and political conspiracy, may be done in secret; when the design is directed against one head, and when their object is to transfer or to abolish that power, the conspiracy is in secret, the conspirators, intending destruction or assassination would necessarily act in secret; but if the conspiracy be to excite the people of a free country to rebellion or to resistance—if the intention be to seek to intimidate the Government or the Legislature by means of large masses of the people, the means must be very different; the people must be assembled in large masses, seditious speeches must be made, and seditious placards exhibited. The object is to inflame, to agitate, and to madden the people: and if this be so, the means must be public. For acts so intended to intimidate the Parliament and the Legislature of the country, the mode of conduct selected is that adopted in Ireland, of filling every part with meetings, and of inflammatory addresses and placards. For this offence the parties were indicted—of this offence they were found guilty. I am now anxious to address myself to a point mentioned by the right hon. gentleman who has just sat down, and in which I wholly and fully agree. If the trial has not been fairly conducted, if there has been anything which can render the conviction unfair, I agree with the right hon. gentleman that the conviction will be deprived of all moral weight and influence. But I wholly deny that the trial is liable to any such imputation. It is of great importance that the House should be informed of the truth with regard to the constitution of the Jury. Hon. gentlemen are not, perhaps, aware, with regard to the Jury, that there are two modes of proceeding. We may enter a proceeding before a common jury, a course which was implicitly approved by the right hon. Gentleman who has just sat down, or we may have a Special Jury. If we proceeded to trial before a common jury the prisoner would have no right whatever to challenge the jury, except for cause assigned. The liberty of challenging a jury is very restricted; it may, however, be done when the juror comes to the box, for any assigned reason, and if the prisoner proves that he has good grounds. The causes of challenge are few, and they are rarely successful. The Crown, on the contrary, does not stand in any such position; not only may the Crown challenge for cause, but it may direct the jurors to stand aside without limit. What course, then, did the Government take? It adopted the other course intentionally, and it gave express directions that the trial should not take place before a common jury, before which the parties would not stand upon equal terms; and a special jury was appointed for the express reason that the parties should stand upon equal terms, and that the defendants should have the power to strike off jurors. There was not, I assure the noble Lord, any intention to act unfairly. Those were the directions given, and they were given for that reason and no other. Then I come to the striking of the jury, I think that the feeling of the House will go along with me; for I believe that no one can contend that the Roman Catholics were struck off because they were Roman Catholics. It must be borne in mind that express directions were given that no juryman should be struck off because he was a Roman Catholic—the same reason which would have disqualified a Protestant should also disqualify a Roman Catholic; but it was directed that no distinction should be made between Protestant and Roman Catholic. Nothing could have been further from my thoughts than that we intended to offer any insult to them as Roman Catholics, or to impute to them that, as such, they would not have done their duty on the trial fairly. Therefore, as far as regarded the striking of the jury, I say, in answer to the observations of the right hon. Gentleman, that if this jury—taken from a Special Jury list of 1717—the old panel, containing only 338, having been given up because it was not thought a fair

trial could be had on it—I say that if such a jury could not be trusted for the trial of these parties, then I say that no trial by jury in Ireland can take place; and if I rightly understand the argument of the right hon. Gentleman, it is, that there cannot be any jury in Ireland. That is in fact saying that trial by jury is not suited to the condition of Ireland, and that it is not safe to trust her with such an institution. But we should be holding out impunity for crime indeed, if we are to be told that there ought not to be any trial by jury, and that which the right hon. Gentleman gravely proposed for that want of impartiality is to have a jury half of Protestants and half of Roman Catholics—for the purpose of impartiality! why, if the system be open to the imputation, the consequence of such an arrangement would be, that there would be no verdict at all. But I do not, in truth, believe in the imputation. If we look at the conduct of the Jury we find that they acted impartially—that they acted on the evidence in the case, and they gave their verdict on that evidence, and on that evidence alone. Well, but then it was said that we packed the Jury. Is there any Gentleman on the other side who will say that this verdict was not borne out by the evidence? I am not sure that this is the proper place for discussing that question, but I have never heard any one deny it. [*Sir T. Wilde:* "hear."] In spite of the cheer of the hon. and learned Gentleman the member for Worcester I venture to say that no man who duly considers the subject will affirm, that the verdict was against evidence, or that the Jury ought not to have given it. The right hon. Gentleman has also referred to the omission of the names of the Jurors. The right hon. Gentleman the Recorder has explained that omission, and I do not understand that there is any one omitted except by a mere accident. It will be recollected that the omission was made by a Roman Catholic, and there is no doubt that it was purely accidental. If Mr. Justice Perrin made the observation which has been alluded to, he made it on *ex parte* evidence. [*Mr. Sheil:* no, no.] The right hon. Gentleman the Recorder has stated the facts to the House, and when the hon. and learned Gentleman the Member for Dungarvan says no, I should like to know whom he impugns? Observations have been made, and comparisons have been drawn between the conduct of the right hon. Gentleman the Attorney-General for Ireland and my learned Friend near me (Sir F. Pollock). My right hon. Friend was quite right at the commencement of the proceedings to object to the motions made for the mere purposes of delay; but as soon as the plea was pleaded, he considered that the parties had not time to make their defence, and that under the old jury panel the parties might not have a fair trial, and he consented at once to the delay. And as to any imputation on him, I must say that a more temperate speech, and, at the same time, a more clear and able exposition of the law, and of the facts, or one less likely to prejudice the case, or to draw the Jury away from a calm consideration, was never delivered by any counsel on a State prosecution either in this or any other country. So, also, I may say of the speech of the Solicitor-general for Ireland. There could not be a more clear and masterly comment on the evidence; he made no attempt to raise a prejudice, and he called upon the Jury to decide upon the facts as applicable to the law. Then we are told that the trial was not a fair one. The noble Lord the Member for London has thought it right to bring forward this motion and to declare on his authority, and as the leader of a party, and as a late Minister of the Crown—to the people of this country, that in his judgment Mr. O'Connell has been improperly convicted. What effect is such a declaration likely to produce? And if the noble Lord has not substantiated the charge he made (as he has not substantiated that charge), if the facts here brought forward, as the right hon. Gentleman has brought them forward, and as the noble Lord had in most cases admitted them, were admitted—if the noble Lord and his friends failed in making out the charge that there has been an unfair trial, and that Mr. O'Connell has been improperly convicted, I ask whether a heavy responsibility does not rest upon the parties who can not support the charges they have made? I do not wish further to trouble the House. I feel that at this late hour I ought not to trespass upon the attention of the House by going into any more details of the other portions of the subject: there are, however, one or two points upon which I am anxious to make a few observations before I sit down. One of the charges which has been brought prominently forward, and, indeed, as far as I can understand, the only one, is, that Her Majesty's Government have not treated the Roman Catholics of Ireland with impartiality and fairness, and that the

deep-rooted discontent which exists amongst the Roman Catholics of Ireland is the result of an indisposition upon the part of Her Majesty's Government to redress the grievances under which the Roman Catholic population of that country labours. Now having heard that charge brought so prominently forward, I looked anxiously to the speeches which were delivered on the other side of the House in order to ascertain if there was any tangible ground on which so grave a charge could rest. It is a very serious accusation directed against the policy—the administrative policy—of Her Majesty's Government. But no ground has been stated for such a charge. You do not bring forward a single tangible fact or reason to justify your accusation. You say that Her Majesty's Government has not treated the Roman Catholics of Ireland with impartiality. I ask you for a tangible instance in which that want of impartiality has been indicated; and the only thing I find brought forward which looks at all like a fact is, that in the administration of patronage since the accession of Her Majesty's present Government, as regards Ireland, her Majesty's Ministers have not dispensed it equally amongst Roman Catholics and Protestants. Now, I must say that from all which I have had an opportunity of hearing of the intentions and of the policy of Her Majesty's Government, they are anxious to carry into full effect the most perfect system of equality amongst the Roman Catholics and Protestants of Ireland; and having said that, I again ask you for an instance in which any other disposition has been shown? I ask you for a single instance in which the Government gave a single office to a Protestant where a Roman Catholic had equal or better claims for the office? Yes, you condescended to bring forward one case in which this distinction was alleged. The noble Lord the Member for London stated one—namely, the Master of the Rolls; and he stated that he thought the Government might have been anxious to appoint a Roman Catholic to that office when it became vacant. Now, when we consider who the gentleman is who has been appointed to the office of Master of the Rolls in Ireland—when we remember that he is a man who has been eminent for talent and learning amongst the members of the Irish bar—when it is recollected that he was Attorney-general under the Government of which the noble Lord the Member for London was himself a Cabinet Minister; it is difficult to perceive how that instance could be proposed as a proof of the charge of injustice towards the Roman Catholics of Ireland. I ask, was any Roman Catholic member of the Bar in Ireland equally entitled at that time to the office of Master of the Rolls? You do not say that there was, and if you do not, then I ask, what means the charge against the Government of dealing with partiality? It would be a singular impartiality upon the part of the Government if they were to pass over a Protestant when he was best qualified to fill an office, and confer the appointment on a Catholic who was unfit for it. And that appointment was the instance on which the noble Lord the Member for London made his charge.—[Lord *J. Russell:* I made no charge.] The noble Lord's charge against the Government was, that there had not been in Ireland an impartial administration of patronage—that at the Bar, several Roman Catholics had been passed over, and I understood the noble Lord to say, that when the Mastership of the Rolls became vacant, he thought the Government ought to have been anxious to give it to a Roman Catholic. Then, as that case has now been disposed of, give us another instance—do not deal in vain declamation as to the want of impartiality in the administration of patronage, unless you have an instance to bring forward;—if you have another instance, then, state it, and I will undertake to say that it will be answered quite as fully and as perfectly as the case of the appointment of a Protestant to the office of Master of the Rolls. Now, having adverted to that portion of the subject, there is another point to which it is necessary to refer, namely, the Protestant Church of Ireland. I have heard it stated that any measures proposed by Her Majesty's Ministers for the good of Ireland would be of no avail, and that no exertion to improve her condition would be of use in restoring tranquillity to that country—that all their power and all their skill, however energetically and humanely exercised, would not be capable of giving peace to Ireland, whilst the Protestant Church Establishment existed in that country—when I hear that statement repeated in this House, and further, when I know that such a statement receives the sanction, at least to a certain extent of the noble Lord the Member for London, and when in addition to that sanction, I hear it repeated to a certain extent, by the hon. and learned Mem-

ber for Liskeard, I ask on what authority is it that such a statement has been made? If I know anything of the Roman Catholics—if I know anything of their feelings, their wishes, or their opinions—if I know anything of the feelings and opinions of those who are supposed to speak the sentiments of the Roman Catholics, I can state that they all say, they would not wish to touch any part of the endowments of the Protestant Church; that they would not receive any portion of those endowments, and that if it were offered they would refuse it. The burthen of tithes does not now fall as it did on the Roman Catholic occupiers in Ireland, and they disclaim any wish for any portion of the endowments of the Protestant Church. If this be the case, what then, are we called on by those who make the statement to which I am alluding, to attribute to the Roman Catholics of Ireland? They do not seek the endowment of the Protestant Church, and yet it is stated, that they never will be quiet until the Protestant Church in Ireland is despoiled of its property. Is it founded in fact, I ask? Is it true that the Roman Catholics of Ireland entertain that hostility to the Protestant Church, that, although they do not seek its revenues—that although they do not wish to touch its endowments—yet the price of the peace and tranquillity of Ireland must be the destruction of the Protestant Church? If that were really the case, it would be calculated to lead to great difficulty; but I do think it is not the case, and notwithstanding all that has been said, I venture to hope, that the measures which will be introduced by the British Legislature, may restore tranquillity and peace to Ireland, without doing that which it would be impossible for any legislature or any government to do, namely, to destroy the Protestant Church of Ireland. I venture to hope, that when it shall be known in Ireland that the trade of agitation there will be no longer a safe or a gainful one; when it shall be known in that country that the Legislature is willing to listen to, and to redress all the real grievances of Ireland; when that shall be known, I venture to hope that the population of that country may be permitted again to return to their peaceful occupations; that there may be a return to tranquillity and order in Ireland; and that there may be as much security found there as in any other country in Europe for the employment of capital. It is idle to expect that there can be any improvement in Ireland without tranquillity; and notwithstanding the course which the noble Lord opposite has thought proper to take, I am perfectly satisfied that the sympathies of the great body of the people of this country are along with Her Majesty's Government, in the course which they have taken in order to vindicate the supremacy of the law, and to put down that spirit of agitation and discord which is the real grievance of that unhappy land.

Lord *J. Russell:* As the hon. and learned Gentleman has referred to my statements, I feel it necessary to say, that he has misunderstood some of my observations. He spoke as if I said that the law of conspiracy, as founded on the Common Law of the land, ought not to be put in force; but I took it as laid down by the Chief Justice, and I said that if the law were so, the greatest care ought to be taken that it was not enforced without a fair jury. With regard to the other point, the hon. and learned Gentleman seemed to suppose that I said the appointment of Master of the Rolls ought to have been given to a Roman Catholic. What I said was, that several offices had been filled up under the present Administration in Ireland. I mentioned the offices of Master of the Rolls and two Puisne Judgeships, and I said it was surprising that not one of these had been filled by a Roman Catholic.

Debate again adjourned. House adjourned.

HOUSE OF LORDS,

Tuesday, February 20, 1844.

Minutes.] Bills. *Public.*—2ª. Law of Libel Amendment.

Reported.—Offences at Sea.

3ª. and passed:—Witnesses Indemnity (Gaming).

HOUSE OF COMMONS,

Tuesday, February 20, 1844.

Minutes.] Bills. *Public.*—1°. Teachers of Schools (Ireland).

Private.—1°. Manchester and Leeds Railway (Bradford Branch); Birmingham Canal Navigation; Manchester and Leeds and Heywood Branch Railway; Manchester and Leeds Railway (Bury Branch); Rochdale Gas; Wich Tree Roads; Great Western Railway; Sang's Naturalization.

Petitions Presented. By Colonel Gore Langton, from the High Sheriff of Somerset, against any Duties on Articles of Home Production. — From Messrs. Bradley, and Holinsworth, for Reduction of Duty on Tobacco.— By Mr. O. Gore, from Oswestry, for Exempting Lime from Toll.—By Mr. Cochrane, from the Earl of Dundonald, for Extension of a Patent.—From Portsmouth, for Removal of Jewish Disabilities. — By Mr. T. Duncombe, from Hawick, for withholding the Supplies.— From Cambridge University, against Union of Sees of St. Asaph and Bangor.

State of Ireland — Adjourned Debate (Sixth Night).] Mr. *Hawes*, in resuming the Adjourned Debate, wished, first, in all sincerity, to make a declaration in opposition to what had fallen on the previous evening from the hon. and learned Gentleman; in his view of the matter, this was not a party vote or a party question. Such motives should not be imputed to that side of the House at a moment like this, and by a Government which had proposed nothing whatever to meet the emergency of the case—nothing to give tranquillity to Ireland, nothing to remove apprehension as to the future. A noble Lord, in an early part of the debate, sketched most clearly to the House the question at issue between the Government and those who were opposed to it on this question. He said that the main point of difference between the two parties was this—that the one proposed to do away with or to reduce the Established Church in Ireland, and the other insisted that its revenues and its dignities should be maintained inviolate to their full extent. This principle was confirmed by the right hon. Gentleman opposite, who spoke on the preceding evening; and the country had now before them a distinct declaration on the part of the Government, that the Irish Church was to be retained inviolate. They were, in point of fact, to adhere implicitly to the old policy, to retain the Church of the minority in the face of all experience, of all history; though all history, all experience told them that this policy was inevitably the source of misery, discord, and danger. To the maintenance of that miserable and mischievous policy, all thought of giving peace and prosperity to Ireland must be set aside. An eminent authority of former days had stated that Ireland was naturally one of the richest countries of Europe, and might be made a source of vast strength and revenue; but the policy of the present Government seemed to be to turn the fruitful source of strength and revenue into a source of weakness, of impoverishment, of danger. It had been said more than once, on that side of the House, that Ireland was given into the hands of the present Government in a state of perfect tranquillity. This statement had been met by the right hon. the Secretary for the Home Department by the counter-statement that there were large public meetings in Ireland in 1840 and in 1841, whence the right hon. Secretary would seem to suggest that the state of tranquillity referred to had not been what it was represented to be. The right hon. Gentleman should recollect that "coming events cast their shadows before." At the period he referred to, it was foreseen that the Tories would obtain possession of power, and it was believed that their accession to power would be marked by the renewed oppression of Ireland; these meetings, therefore, did not show that tranquillity did not prevail in Ireland at the time; but that the Irish people, happy in their existing tranquillity, in their returning prosperity, dreaded that return of the Tories to power which threatened to destroy their peace and impede their prosperity. The hon. Member for Shrewsbury, in his speech the other night, was very oratorical on the subject of a strong central Government; such a Government the hon. Gentleman appeared to desiderate as that which prevailed when Strafford ruled over the State, and Laud over the Church. There was surely a strong central Government now, as far as Ireland was concerned, a Government maintained by a powerful army. The hon. Gentleman had pointed to these times, as being times in which Ireland was tranquil and contented. He (Mr. Hawes) had been utterly surprised at such a suggestion. Even the historian who could least be suspected of liberal tendencies, speaking of Lord Strafford, admitted this:—

"He governed as Lord Deputy, or Lord Lieutenant, with vigilance, with rigour, with success, but he did not govern with popularity."

It was because the Government had not sought to govern with popularity in Ireland, that the difficulties with regard to that country had so much increased. If it had acted otherwise, however, the result might be very different; but they had lately heard it declared that the Church of Ireland was to be maintained in all its dignities, and temporalities, and revenues; that declaration had come from a person in the Government, and it meant that there was a reliance to be placed on force for governing Ireland; that we depended on our arms for maintaining our connection; that it was by an armed force alone we should continue Ireland as subject to the Crown of England. Was that principle to be really acted on? In 1776, when the first news arrived in England of the Declaration of Independence on the part of

America, that intelligence created little attention comparatively in this country; it attracted little popular notice, and as an able writer remarked, instead of awakening men's minds to the policy which had produced that state of things, they appeared determined to persevere, and a division in the House of Commons, showed 242 in favour of the continuance of the policy of governing by force, against a minority of 87, whilst in the Lords the majority was also very large in favour of the old policy which had been adopted towards the American colonies. He did not mean to point out at length all the events connected with that important period, but he referred to them as useful at a time when the expediency of paying further attention to popular wants was pressed upon the House. These were portions of history which were sufficient to make persons pause before they decided permanently on maintaining an Irish Church by an English party, and governing Ireland on the principle on which the present policy was based. He remembered in 1817 the opinions which were expressed against Catholic Emancipation in Parliament, and yet in twelve short years after that period they had seen the Prime Minister of England coming forward with even larger concessions to the Roman Catholics than had previously been asked for. They recollected also the declarations with respect to the Repeal of the Test and Corporation Acts. They recollected that Mr. Canning expressed himself opposed to the repeal of those Acts; and notwithstanding that expression of opinion on the part of Mr. Canning, in two years after, the First Lord of the Treasury introduced a Bill to repeal those statutes. It was not the delay alone in doing an act of justice which was the only evil that might be complained of, for delay presupposed concession; but the great evil to be dreaded was, when, after delaying for a long time, concession was accompanied with the old spirit of resistance to popular rights. When concession was not only long delayed, but reluctantly granted, the whole value of such concession was lost; and it was precisely on that ground that he would strongly urge upon the House to take a large and comprehensive and liberal view of the condition of Ireland, at once to grapple with the difficulty, to do justice to that country, and to restore her to peace and tranquillity. He had heard it said more than once during this debate, that when Catholic Emancipation was granted there ought to have been a cessation from any further agitation in Ireland, and that pledges had been frequently given previously, on the part of the Roman Catholics of Ireland, to the effect that in case Emancipation were granted, there would be no attempt made to interfere with the Protestant Church Establishment in Ireland at any future period. Now, he begged most distinctly to deny that such pledges were given on the part of the Roman Catholics; and he would undertake to show, that when the evidence of Mr. O'Connell and of others, who were taken to express the opinions of the Roman Catholics of Ireland, was quoted in that House as pledging them to maintain the Church Establishment in Ireland in its integrity, if Catholic Emancipation were carried, a most important element of that pledge was suppressed, namely, the fact that it was conditional, on the general understanding that Catholic Emancipation was to lead to real and perfect religious equality in Ireland, that it would lead to the suppression of all religious distinctions. If Catholic Emancipation had been accompanied with such a disposition to establish religious equality, if there had been that suppression of religious differences which it was understood was to accompany Catholic Emancipation, the results in Ireland might have been widely different from what they had been. Mr. O'Connell in his evidence before the Committee of the House of Lords in 1825, said he wished the Catholics of Ireland to be subjects out and out as the Protestants were. Now, he would appeal to the House, he would appeal to the country, if such a perfect religious equality as had been anticipated by the Roman Catholics of Ireland had followed the passing of the Emancipation Act? So far from carrying out in spirit and completely that religious equality, the course taken by those in authority for the last few years showed rather that they were opposed to the spirit of the Catholic Emancipation Act than disposed to carry it out. Had not the important appointments made by the present Government been most offensive to the feelings of the Irish people? The Government had appointed two partizan Judges and two anti-education Bishops. Had those appointments been made in the spirit of the Emancipation Act? If they were not in that

spirit, if they were offensive to the people of Ireland, was he not correct in supposing that the Government intended again to revert to the old course of governing Ireland by maintaining Protestant ascendancy, and that they were determined, if they could, to resist the spirit of religious equality which was expected to accompany the Emancipation Act, and without which they never could hope to establish peace and tranquillity in Ireland. He wished on that occasion to make an observation with respect to the proposition of the noble Lord the Member for London on the subject of the Irish Church, which had been so often alluded to during the debate. He understood the noble Lord to say, that he was convinced the policy which should be adopted towards Ireland ought to be a policy which fully acknowledged religious equality in Ireland, and if the hon. Members opposite thought to oppose the noble Lord and those who supported him by raising the "No Popery" cry in England, they would find themselves much disappointed. The Protestant Dissenters of England were able now to distinguish that cry, which they formerly looked on as indicating an opposition to a party favourable to despotism, and opposed to religious liberty, from a cry raised for the purpose of supporting those who, last year, brought in the Factory Education Bill. The Dissenters would not now be led away by that cry to join in an attempt to perpetuate the religious bondage of the Roman Catholics of Ireland. It was because the Roman Catholics in the olden time, were considered as favourable to despotic principles, and opposed to religious liberty, that the Protestant Dissenters were opposed to them; but they now saw that the Catholics of Ireland were the advocates of religious liberty, and they would not be led away by any cry from hon. Gentlemen opposite to support them, under the idea that the object of the Roman Catholic was to seek to establish Popery in Ireland. If Gentlemen opposite were anxious to establish Popery firmly in Ireland, there was no surer mode of doing so than by adopting a course of persecution. It was by following up a course of persecution and degradation towards Ireland that they would make the Roman Catholic Religion strike deep into the hearts of the Irish people. By that course they would enable it to take stronger possession of their feelings, and faster hold of their minds. The noble Lord the Member for London said that he regarded religious equality as the only sure basis of a successful policy with regard to Ireland, and that was the true policy to adopt. Now if it were proposed to him to agree to an endowment of the Roman Catholic Church in Ireland, and that the proposition were shown to him to be part of a large and comprehensive plan for securing the peace of Ireland—if the proposition under those circumstances were proved to be acceptable to the Irish people, and that he was assured the effect of the comprehensive plan of which it should form a part, would be to restore peace to Ireland, then he would overcome any prejudices which he might entertain on the subject, and, as part of a general plan for that object, he would support it. If, however, such an arrangement were proposed by itself in a manner not acceptable to the Irish people, and brought forward with sentiments opposed to them, then he would at once regret it. Such a proposal he would support, as part of a general plan for securing tranquillity to Ireland, notwithstanding any interests that might be affected by it; but as a single measure it would have his decided opposition. He should for himself much prefer paying no religion in Ireland. He should rather see the whole revenue of the Irish Church placed in the hands of Commissioners and distributed for the purpose of religious and moral instruction, than to see it disposed of as it now is, or distributed amongst various sects. The voluntary principle might not find favour with that House, but it was gradually making its way, daily acquiring fresh vigour, and carrying with it the strong convictions of deep-thinking men. The people were fast coming to the conclusion that if religion were to be aided in the most effectual manner, there was no way in which the scriptural interests of the people could be so deeply provoked as by leaving religion alone. The history of dissent itself fully proved that the voluntary principle, if properly worked, would be amply sufficient to impart religious instruction. He would request the House for a moment to look back to the first separation in the English Church after the Reformation. Then, those men who were attached to the principles of the Church, merely differing upon some ceremonials and leading a stricter life than others, were called "Puritans." That term

marked distinctly the character of the sect, and the result of its application was, that a larger body of men came under the title of "Nonconformists." They were still Members acknowledging Episcopal Authority, but the adherents to the Church persecuted them and drove them from the country, and from that time that sect was established—it had grown and spread, and had established the great principle, which must ultimately gain ascendancy, that the State, in point of fact, ought to be separated from all religion, and was a pernicious ally to any religious system. These were not his sentiments alone, but he could point in support of them to many eminent writers of the English Church, who had said, that the great difference between Catholicism and Protestantism was, that the one always sought the aid of the State to uphold it, whilst the other relied upon the affections of the people and its own independent priesthood. This being the case, he should, as he had already observed, support the payment of the Catholic Clergy if it were proposed as part of a great and comprehensive plan for the tranquillization of that country, but he should still maintain that it would be much more desirable to revert to the voluntary principle. In Ireland, he thought, it might be safely trusted to afford an ample resource for the support of religion, and for the sustainment of religious edifices. Now, with respect to the prosecutions in Ireland, he would ask the Government to consider the state of English feeling with respect to Ireland—he would ask, did they not believe that there was in England, a deep sympathy for that country, and seeing that, did they believe that the prosecution which they had instituted would deprive Mr. O'Connell of the sympathies of the people of England? He thought it was an unjust and unworthy course to adopt, and it would be inadequate to obtain its end, as it would add to Mr. O'Connell's strength in Ireland, and multiply his friends in England. He did not regard Mr. O'Connell as having had a fair trial, and as such the verdict could have on him no moral effect. It had been said at the other side of the House that the right hon. the Secretary of State for the Home Department had made out a good case with regard to striking of the Jury; but was it to be said that if a man were a Repealer he would not be fit to try a man who was of similar political opinions for an offence against the law—would they apply such a doctrine in this country? If at the time when the Reform Bill was under discussion, and when much excitement prevailed here on the subject, a man whose opinions were favourable to Reform was indicted for any offence, would it be supposed that if Reformers sat in the jury-box to try that man they would not deliver a fair verdict, in consequence of their entertaining opinions similar to his on the subject of Reform. Was it really so, that a man would not give a fair verdict because the person upon whose conduct he was called on to decide, happened to be of the same political opinions as himself? It gave him sincere sorrow to see the right hon. Secretary of State for the Home Department defend a principle which was so erroneous. He had no faith in the present Cabinet as regarded Ireland—he saw in it men of the most opposite opinions, men who had scarcely professed formerly any principle on which they had not turned their backs at some period of their lives. What confidence could be placed in men in a Cabinet who had changed their political opinions, and deserted the party with which they formerly acted, and who now hold such different opinions? The Secretary of State for the Home Department said, that as an abstract principle he had no objection to the payment of the Roman Catholic Clergy; that was a question which had been discussed in the House on a previous occasion, and when it was so discussed, what did the right hon. Baronet, the First Lord of the Treasury say on the subject? He said, that to pay the Roman Catholic Clergy would be contrary to the principles of the Revolution, and that they might as well get rid at once of the thirty-nine articles. That was a difference of opinion amongst the Members of the same Cabinet. Was he, then, to rely on men who differed so much in opinion? Then let them take the question of Education, and see if they agreed better upon that subject. The right hon. Gentleman the Secretary of State for the Home Department, proposed to give an increased grant to Maynooth, and yet no one had used stronger language on the subject of Maynooth than a noble Duke, a Member of the other House, who, in speaking of it, said that it was opposed to Christianity and ought not to continue. How could he place faith, then, in the

Government, if Members of the same Cabinet were so divided in opinion. But was that all? Was that the only question on which there was a difference of opinion amongst the Members of the Cabinet? What had been said on the subject of the Registration Bill? It had been formerly denounced as a bill under false colours, and yet we now find both the right hon. Baronet and the noble Lord opposite proposing and introducing the self-same provisions. There was no security, therefore, in the decisions of such a cabinet with regard to Ireland, and he could not put faith in them. Promises had before been made on the subject of Ireland; and he should venture to call the attention of the House to the promises which had been made by Mr. Pitt on the 21st of April, 1800. Mr. Pitt on that occasion, speaking of the Union of Great Britain and Ireland, said,

"If we wish to accomplish the great work that we have undertaken, we must look to the whole of this important and complicated question; we must look at it in a large and comprehensive point of view; we must consider it as a measure of great national policy, the object of which is effectually to counteract the restless machinations of an inveterate enemy, who has uniformly and anxiously endeavoured to effect a separation between two countries, whose connection is as necessary for the safety of the one as it is for the prosperity of the other; we must look to this as the only measure we can adopt which can calm the dissentions, allay the animosities, and dissipate the jealousies which have unfortunately existed—as a measure whose object is to communicate to the sister kingdom the skill, the capital, and the industry which have raised this country to such a pitch of opulence, and to give her a full participation of the commerce and the constitution of England; to unite the affections and resources of two powerful nations, and to place under one public will the direction of the whole force of the Empire."

Now, he would ask whether that Union had allayed animosities and dissipated jealousies, as regarded the two countries? Her Majesty's Ministers might intend well, but there were Gentlemen sitting with them, who were wedded to their own notions, determined to abide by their own prejudices, who had forgotten nothing during the ten years they had been out of office, and who would constrain the right hon. Gentleman opposite to follow a course of policy which would be injurious to the interests of the country at large. It was remarkable, when that subject was under discussion in the other House of Parliament, that one single Peer was found to protest against the Union in terms most emphatic, not to say most prophetic. Lord Holland—a man than whom one better acquainted with the subject, or more qualified to give an opinion, perhaps, never lived—declared at that time, in a protest, his doubts and fears as to the working of the Union. That protest was so remarkable, that he would beg to call the attention of the House to it; and, at the same time, he would entreat of them to ponder well on the course they were about to pursue. Lord Holland said,

"Furthermore, from what information we have been able to procure, we observed with the deepest concern and alarm that its discussion in Ireland has already been attended with the most fearful symptoms. From the increased powers with which it has recently been deemed necessary to arm the Executive, we cannot but infer that the prospect of an incorporating union has failed to conciliate the minds of the disaffected, and from the ferment occasioned by its discussion it is evident that all other parties in Ireland are alienated or divided, and the means of resistance, in the case of insurrection or foreign invasion, thereby materially weakened. We thought it, therefore, more prudent in this moment of alarm, to desist from the prosecution of a measure which might become a fresh subject of complaint, and a new source of discontent and division; and we were more disposed to seek for the establishment of mutual confidence in the adoption of conciliatory laws, in the removal of odious disabilities, in the redress of grievances, and the operation of a milder system of policy on the affections of the Irish people, than in any experiment of theory and nominal union of governments."

It was too clear, that the Union with Ireland was nothing but a nominal union. Ireland had, in point of fact, been governed by the party who forced the Union upon the people—a party which had maintained its position chiefly by creating ferment and divisions amongst the people for nearly half a century, and which, if it continued to hold power, would risk the dismemberment of that Empire. It appeared to him, that all those nobler objects of government, all the hopes and aspirations to render a population more happy, more moral, and more prosperous, must be postponed; and all for the fancied good and safety of the Church. All the old evils of Ireland were to be revived and were to receive fresh strength and permanency on account of the Church.

The time had come for religious liberty to struggle with religious intolerance,—justice with injustice; and, though the contest might be a long one, he had no fear as to the result. It had been said, and most truly, that all Europe was at this moment turning a wistful eye to Ireland. No man could have glanced over the foreign newspapers without observing how large a space Ireland occupied in their columns; and he must say it was not unnatural that foreign statesmen might hope to see the arm of England fettered, and unaided by that power which had aided them in fighting so many battles for liberty. It was but natural to expect that the jealousy of foreign nations in regard to this country might be excited into livelier action when they saw the weakness created by our own misgovernment, and that they should look with deep interest and solicitude to the present state of Ireland; and most miserable would be our reflections, if the time of struggle should ever come and England were doomed to sink, that she had fallen, not from the vigour of our foes, not from the superior power of foreign aggressors, but from that innate weakness which we had brought upon ourselves in this petty, paltry struggle to retain the superiority of the Irish Church.

Lord *Claude Hamilton* was not going to follow the hon. Member who had just sat down through all his details, but would confine himself to a few observations on one or two points which the hon. Member had revived, although he (Lord C. Hamilton) thought enough had been previously heard about them. The hon. Member who had just sat down had told them that "Coming events cast their shadows before," and it would appear so from the motion of the noble Lord, for although they were told that it was brought forward in consequence of the Government having introduced no measure for the improvement of Ireland, yet notice of this motion had been given on the very first day of the Session. The hon. Gentlemen opposite must have been sadly at a loss for argument against the Government when, as a proof of the party spirit which had influenced the appointments of the Government, he was obliged to speak as he did of the elevation of two Judges, and of the two right rev. Prelates. He was not going to follow the hon. Gentleman through the whole of his argument, but he must say a few words with respect to the Jury. The hon. Gentleman could not know much of the constitution of Special Juries, if he were not aware that the Government and the traversers must, whether they would or no, strike off an equal number of names. They could not avoid it. How then were they to be guided in their choice? By striking off a person no stigma was cast upon his character, and it was natural therefore that, in the performance of that duty, each side should strike those whom they thought least likely to give a just decision. The hon. Gentleman asked if, at the time of the Reform Bill, a Reformer would have been objected to as a juryman upon the ground of his political opinions. Certainly not. No one ever thought of such an absurdity. But suppose there had been a Reform riot, that one of the men engaged in that riot was to be tried, and that one of the jurymen was not only a Reformer, but had been engaged in that riot, then the cases would be parallel, and then it was not at all likely that such a man would be allowed to remain upon the jury. This being the sixth night of this debate, it would be almost impossible to address oneself to the consideration of this subject without trenching upon something which had been said before. He should, however, endeavour as much as possible to avoid such a course. The object of the prosecutions was not to put down the agitation for Repeal, but to repress the manner in which it was sought to gain that object. There had been great misrepresentations with regard to the Jury List. It had been said, that sixty-five names had been omitted from the list, when in reality there were only twenty-four; and that by accident, and by a Roman Catholic officer. Great stress had been laid upon the exclusion of Roman Catholics from the panel. He would endeavour to explain how it was that there were not more Roman Catholics upon the list. The upper and more respectable classes amongst the Roman Catholics were so disgusted by the conduct of the leaders of the Repeal Agitation, and so grieved to see the churches, which should be devoted to the worship of God, converted sacrilegiously into places of meeting, and to hear the agitators preaching in those holy edifices vengeance to the Saxon, instead of peace and good will to all, that they were glad not to mix themselves up in the matter, but to remain in the retirement of

private life. He protested against the scandalous observations which had been made in that House upon the twelve honourable and honest Protestants whose misfortune it was to have sat upon the Jury, and undeservedly to have called down upon themselves the calumny and misrepresentation of those who should know better. They had even been charged with perjury. The Member for Cork said, they were a good Protestant Jury, ready to convict, and rejoicing in an opportunity to immolate their foe. The hon. and learned Gentleman cheered that statement. [Mr. Sergeant *Murphy:* No, no; not the latter part.] Well, you give up the immolation of the foe. But the hon. and learned Gentleman stated, that no justice was to be expected from them. Was not that much the same thing? Hon. Gentlemen opposite cheered the right hon. Member for Edinburgh, when he said that no man could expect justice from such a jury. But he would turn to other subjects. They had heard much of the disaffected state of Ireland, and of the readiness of the people of that country to receive with open arms a foreign foe to England; and hon. Gentlemen had even told the House that foreign Courts were watching the state and progress of things in Ireland. The King of the French had been talked of. He would take leave to tell the hon. and learned Gentleman and his party, that the King of the French knew too much of the state of England, and was too cognizant of the Constitution of England, and too well aware of the freedom of expression allowed in England in political debates, to take much notice of such articles as those which appeared in the *Nation*. The hon. Gentleman read the *Nation* with very different feelings and views from those with which foreign Sovereigns would peruse it. They knew too well what was the real relations of the country to be deceived by such lucubrations. What was the bugbear hon. Gentlemen opposite would set up? Was it the spirit of 1798, or the Swiss army, or the Prussian league, or what? Those who had listened to the speeches of the hon. and learned Gentleman must be aware that he had never failed to vituperate the King of the French; and something had been said about an Irish brigade that was to go over to France and set Henri V. on the throne. But he had no fear of any attacks or interference from Foreign Powers. Should any hostile menaces be made, let the hon. and gallant Member for Marylebone have the command of the fleet, and no foreign foe would approach these shores except as his prisoner. He reprobated the conduct of those who had endeavoured to excite the people of Ireland, by telling them they were eight millions, and were ruled and tyrannized over by a contemptible minority. It was a most calumnious and unwarrantable insult to charge that nation with disaffection and evil designs, to say they detested Her Majesty in their hearts, and longed to throw off the yoke of Her Government, to submit to that of a foreign power. All that might do very well to serve the selfish purposes of the agitators of that country; but his firm belief was, that if Her Majesty's Government should find it necessary to call upon the royal people of Ireland for support, there would rise up such a vast number of honest, stern, bold men, who were determined to oppose lawless violence and treason, as would astonish Europe, not merely by their numbers but by their firmness and intrepidity. The people of Ireland were belied. There had been insurrectionary proceedings in England and in Wales. Where had such taken place in Ireland? Hon. Gentlemen opposite attributed it to the preaching of peace by the hon. and learned Member for Cork. Yes, he preached peace, and levied an army; he preached loyalty, and endeavoured to beguile Her Majesty's forces from their allegiance. Her Majesty's Government had shown themselves willing to do everything to raise the moral and physical condition of the people of Ireland. What prevented them? The conduct of the hon. and learned Gentleman and his party. The hon. and learned Gentleman was a man of astute mind and astonishing abilities, and yet Her Majesty's Government were charged with having allured and drawn him into a snare, and afterwards with having endeavoured to produce a collision between the military and the people in order to create bloodshed. Surely, if Her Majesty's Government could possibly have entertained any such disposition, was it not in their power to effect their object? But the Proclamation contradicted that charge. He knew that even the Proclamation was found fault with, and that it was described to have been useless. The Proclamation had this effect:—there had been gatherings and

marshallings of the people, and organizations for self-defence, and signal fires, and various indications of an incipient insurrection; and he believed that it was mainly owing to the Proclamation of Her Majesty's Government, and their judicious, though by some considered trivial, arrangements, that the loyal portion of the nation had been prevented from organizing themselves so as to be able, if necessary, to meet force by force. There was a sort of attempt on the other side of the House to monopolize all feeling and sympathy for Ireland, as if those on the Ministerial Benches were utterly indifferent and callous to the wants and wishes of that country. But he would tell those hon. Gentlemen opposite, that there was an earnest desire on the part of Her Majesty's Government and the Conservative Members of that House to redress the real grievances of Ireland, and to improve her condition. The hon. and learned Member and the Roman Catholic Priesthood were said to possess very great influence over the Irish people. It was a pity that they did not exert it to prevent the commission of outrages such as those which had been perpetrated in Tipperary and other parts. Did he charge them with producing such results? No; but how was it that faction fights, and murders, and deeds which would be a disgrace to any civilized country were so frequent? The explanation was this—those who had influence enough to raise the storm had not power enough to control it. The moral improvements which might have been effected by means of the Temperance movement were not to be placed to the credit of the Roman Catholic Clergy, for, in the first instance, they opposed Father Mathew and raised their voices against him. The aspect of Ireland was not uniform. Why was this? How could they account for the difference between the condition of Ulster, for instance, and other parts? All travellers, in writing of Ireland, had described that difference to be so marked, that they thought they had entered another country, instead of a province of the same. There were few soldiers there; property was safe there; outrages were unknown there; yet Ulster possessed no advantages that other parts might not obtain; and there, too, was a third Church to support. The inhabitants of that country were what were generally denominated "bloody Tories." But why was it that this province differed so much from other parts of the country? The reason was, that they who had power there combined to enlighten and educate the people, to improve their condition and their houses; and did not endeavour to gain a fictitious influence by setting man against man, one class against another, but they exercised their influence by inculcating peace and good-will amongst all. But there were other counties in the south exhibiting the same happy aspects—Wicklow, for instance. The Protestant Clergy and gentry exercised their influence in a beneficial manner; they did not seek to urge the people to break the laws. But look at Tipperary. If the Tories were the inveterate enemies of Ireland they were said to be, how was it that the state of the country was so good where their influence was most predominant?—and that where Liberalism, as it was called, and Irish patriotism prevailed, there was nothing but distress, discontent, outrage, and bloodshed? The fact was that where agitation was most effective there were breaches of the law, offences against property and life—ay, and murder in mid-day. But, strange to say, those things were not done in the parts under the influence of the "bloody Tories." He did not blame the Irish people. Unfortunately for them they had for years been under bad tuition. Was it to be wondered at that the dangerous ascendancy acquired over the minds of the people, in consequence of the miseries they endured, should tempt so excitable a race as the Irish to violations of the law—taught as they had been for years how to commit such offences, and to escape with impunity? Had they not been encouraged in passive resistance to Tithes—were they not told that no act of the British Parliament—nothing but Irish laws, framed by Irish Lords, and Irish Commons was binding upon the people of that country? Was it wonderful that such lessons should produce anarchy and confusion in that unfortunate country? It was said by some that it was all cant to talk about English capital being driven away in consequence of the state of the country, but how could it be expected that any British capitalists should embark their fortunes in a country where they were exposed to constant risk, and where even life itself was not safe from the hand of the assassin? What result did Gentlemen opposite expect

from the present motion? Did they think that if they obtained the reins of power they could tranquillize Ireland? Did the hon. Gentleman who was the leader of the agitation hold out any such hopes to them? No. On the contrary, he said he had trusted them once, and would not trust them again—that nothing short of an Irish Parliament would satisfy him. Perhaps, indeed, the Irish Church was to be sacrificed; but would even that satisfy him? The hon. and learned Gentleman was too circumspect to disclose his real views; but the Repeal Wardens throughout the country were less tenacious. They told the people that as soon as Repeal was obtained there should be a total confiscation of property. Amongst the other accusations brought against the Government, they were accused of not having employed force sooner; but for his part he was glad that every latitude had been allowed, consistent with the maintenance of peace. He acknowledged and regretted that heretofore many opportunities of ameliorating the condition of Ireland had been allowed to pass by; but he called upon the House now, to consider the present condition and circumstances of that country. Let them apply themselves to meet the exigencies of the present moment, and they might hope to arrive at a more beneficial result, than by devoting their attention to any historical reminiscences which they could recal. He was glad to hear that the Government were going to increase the grant for National Education, but he hoped their efforts would not stop there, but that a knowledge of the Holy Scriptures would, notwithstanding the dislike of the Priests, be extended generally to the people of Ireland. They were ready and willing to receive the Scriptures, and would like them much better than those half religious, half political harangues, which now were forced on their unwilling attention. He was also ready to agree to the legalizing the exactions of the Priests in Ireland, at the same time making them more moderate. This measure would relieve the unfortunate people of Ireland from a tax which was now arbitrary, the amount demanded being only limited by the apparent power to pay. The noble Lord concluded by declaring that he should oppose the motion.

The *O'Connor Don* said, that any observations which he had intended to make were already anticipated, and he did not wish to weary the House with their repetition. The noble Lord, who had just sat down, called upon the people of England to withhold their credence from violent political partizans from Ireland, but violent political partizans were not limited to one side of the House; they might be found on both—but from some of the expressions of the noble Lord, and from his manner that evening, his Lordship could not be classed among the most moderate on the other side of the House. His Lordship protested against those Members who were opposed to him claiming a monopoly of information on the affairs of Ireland, and a monopoly of patriotism. To that monopoly they laid no claim, but they protested against the noble Lord's claiming a monopoly of loyalty. The noble Lord spoke of the loyal inhabitants of Ulster. He (The O'Connor Don) maintained that the inhabitants of the other provinces of Ireland were equally loyal. Whatever might be the result of the debate, the impressive declaration made by the noble Lord, the Member for London, of the kind feelings of Her Majesty towards her Irish subjects would be by them cordially received and highly appreciated—and he would confidently, on the other hand, assert that in the wide extent of Her Majesty's dominions, there would not be found a body more devotedly attached to her than the Roman Catholic population of Ireland. Theirs was no conditional allegiance dependent on a Whig or Tory Administration. It was the genuine homage of pure and devoted allegiance to Her Majesty, irrespective of circumstances. It was in the consciousness of this, their loyalty, its purity and its extent, that they did complain of the system which had been adopted towards them by the present Government in Ireland. It was true that the right hon. Baronet the Secretary for the Home Department, and the noble Lord, the Chief Secretary for Ireland, had explained some of the circumstances of which the people of Ireland felt that they had a right to complain. But unfortunately explanations came after facts—facts made a much deeper impression on the mind than explanations, and the former would be remembered when the latter were forgotten. It was the duty of the Government so to act that its conduct should be beyond the necessity of an explanation. The facts connected with the Clontarf meeting

were these—It was to have taken place early on Sunday; the Proclamation against it was not issued until late upon Saturday, when it seemed next to an impossibility to prevent those who were even then on their way to the meeting from attending it. Government assigned reasons for interposing to put it down, and for not having done so earlier. He must say the reasons appeared to him to be frivolous and unworthy. These reasons might satisfy their own consciences, but they did no credit to their understanding or their capability of governing Ireland. Whatever meeting they intended to prevent, they should have proclaimed some days before that on which it was to take place. Previous to the meeting at Clontarf, there had been a meeting at Donnybrook, quite as near Dublin—quite as near the Castle. That was not interfered with? It might be said to be held with the connivance of Government. What reason had the people of Dublin to suppose that different steps would be adopted with regard to the Clontarf meeting from those which had taken place with respect to the meeting at Donnybrook? The Government affected to take alarm at some military phraseology which seems to give the former a different character; but these words of alarm were withdrawn before the Proclamation was issued. The people knew, and the Government might have known, that there was no chance of a breach of the peace. No one step had been taken whence it could be inferred that it was endangered. On the contrary, when the Repealers were given to understand that going to the meeting by the road first contemplated by them might, upon the Sunday, interrupt the devotional exercises of those who dissented from them, they instantly respected their feelings from deference to their wishes, and altered the route by which they were to proceed—so tenacious were they of giving offence or doing anything that might lead to a breach of the peace. The explanation that had been given on this subject would not satisfy the people of Ireland. With respect to the previous Repeal meetings, the Government could not extricate themselves from the dilemma that if they were illegal they should not have been allowed, and if they were legal, they should not form an item in the Government prosecution. The meetings were as notorious as the sun in noon-day—convened by public requisition—commented upon in the public journals—Whig, Tory, and Radical—commented upon in that House, and in the House of Lords, by the Duke of Wellington and the right hon. Baronet, by the present Lord Chancellor, the late Lord Chancellor, and the Irish Lord Chancellor. In the debate on the Dismissal of the Irish Magistrates, introduced in another place by Lord Clanricarde, the question of their legality was raised. The Duke of Wellington said he did not know whether they were legal or illegal. What said Lord Cottenham?

"However large and apparently dangerous the Repeal meetings might have been, the persons composing them had abstained from any breach of the peace. He believed it was the desire of the leaders so to do, and it was not unreasonable to suppose that the Magistrates in question only meant to carry a constitutional object by peaceful means. The Lord Chancellor of Ireland never conveyed an intimation that these meetings were illegal."

Now, as it had been held by the Irish Lord Chancellor that the people of Ireland should read those debates, and know what passed in those debates, and magistrates were to be dismissed for not being guided by those debates—as it was presumed that the people read those debates, then they saw the opinion that those who attended those meetings only meant to carry a constitutional object by peaceful means. Now, if the Government felt all this time that those meetings were illegal, nothing could have been more cruel than to have waited until all, even the most retiring and most averse to agitation, were drawn into its vortex, and then for the Government to turn round on them, and stigmatise them, as the people of Ireland had been stigmatised, as conspirators, convicted under a verdict of guilty. As to the verdict, and how obtained, he must in the first place, say that the omission of certain names which ought to have been on the panel had not been satisfactorily explained. Nothing could be farther from his intention than to impute to the right hon. the Recorder of Dublin, that he had been privy to the omission of those names. He was quite sure that his right hon. Friend was entitled to full credit for impartiality in the discharge of his duties. While he acquitted him, he must refer to the opinion of Judge Perrin, cited by the right hon. the Member for the City of Edinburgh, that the omission of those

names was not free from suspicion. [Mr. *Shaw*: The facts had not been stated when that opinion was given.] It was after the question had been discussed in open court, Judge Perrin used those words:—

"There was great negligence and gross want of care in the way in which authentic documents had been treated, and I am not prepared to say that the whole was the result of mere accident."

With respect to the striking off the names of all the Roman Catholics who were on the list, he heard the h n. and gallant Colonel the Member for Armagh, forcibly admit, that in his opinion no Roman Catholic ought to be allowed to remain on the panel. That was a bold and manly declaration; but he would ask the hon. and gallant Colonel to fancy the reverse of what has taken place? Let him fancy what it was not difficult to imagine, that in 1829, after the passing of the Emancipation Bill, meetings of Orangemen had taken place in the North of Ireland, declaring that Act to be a violation of the Coronation Oath, and demanding its Repeal, using strong expressions, likely to alienate one class of the subjects of the Crown from the other—let him imagine the Government prosecuting those Orangemen for their meetings and their expressions, all the functionaries of the prosecution being Roman Catholics. Suppose that the trial took place in Londonderry, the majority of the inhabitants there being Protestant, that from the panel some names of Protestants, which ought to be on the panel, were omitted, that ten or eleven names of Protestants still remained on the panel, that those names were struck off by a Roman Catholic Attorney-general, he saying that he believed they were Orangemen, and having previously said that Protestants paid no attention to their oaths; and that, finally, none but Roman Catholics were left on the Jury to try those Orangemen, he asked the hon. and gallant Colonel what would be his feelings under such circumstances? Whether he would not decline to receive any explanation of a matter so suspicious, and for a libel so great on the Protestants of Ireland? And yet, was it to be supposed that Roman Catholics would be less sensitive—that they should not feel a slight as deeply, and resent as strongly, anything that cast a tarnish upon their faith and personal honour, as those who professed a different creed? The verdict had been obtained; but he asked, what had been gained by it? That was the question. It was said by the right hon. Gentleman, That it established peace in Ireland. If it were meant, that there had been no breach of the law in Ireland since the verdict, why, there had been no breach of the law before the verdict. But then, if it were meant that the mind of Ireland was not disturbed, he could tell them the mind of Ireland was much disturbed at the present moment. All he feared was, that while they were prevented expressing their feelings in public, they might be but the more embittered in private. Government might exult over the repression of public meetings; they might prevent a direct infraction of the law; but would they enforce those moral obligations, the neglect or omission of which might be as detrimental to society as any violation of the law? He should be sorry to allude more distinctly to what he apprehended, lest it might be supposed, that he suggested that which he would deprecate and deplore. The right hon. Gentleman, the Secretary of State for the Home Department, had, in referring to Lord Lyndhurst, spoken of him as his friend, and pronounced a panegyric upon him as Lord Chancellor. He (The O'Conor Don) might, on the other hand, be allowed to claim the friendship of the hon. Member for Cork, believing, as he did, that there was no man in the British Empire more opposed to any violation of the law, than Mr. O'Connell. He was not ashamed to speak his opinion of that friend—that he was the old and the long-tried friend of Ireland. He felt, in common with every Roman Catholic, that they were indebted, in a considerable degree, to Mr. O'Connell, for the advantages that they now enjoyed. He should be ashamed, at the present moment, not to acknowledge his obligations to Mr. O'Connell. He felt, that they owed to Mr. O'Connell not only the many advantages they enjoyed, but he believed they only received the advantages of that very discussion by the agitation of Mr. O'Connell. It was but a very few months since they were told that concession was at an end. What had produced this change? To nothing else could they attribute it than the agitation of Mr. O'Connell. It was owing to that that the noble Lord on the one hand, who had

spoken of "finality," and the right hon. Gentleman, on the other, who had told them there should be no further concession, were now emulating each other in the declaration of their desire to improve the state of Ireland as far as circumstances would allow them, or their principles permit. The noble Lord certainly far surpassed the Government in the propositions he enumerated for the benefit of Ireland. With regard to those measures, the first was to induce a confidence in Ireland in the Administration of Justice. He felt that this was the most important matter that could be suggested. The people had a distrust in the administration of the law, and but too frequently acted for themselves, instead of seeking from it redress or protection. But a respect to the law must be created by a sympathy between the governors and the governed. It was that sympathy which characterised the Administration of Lord Normanby. In an excellent pamphlet, signed, "A Junior to his Senior," it is proved that, during the government of Lord Normanby, all who felt aggrieved sent memorials to the Castle. Within three months after the arrival of Lord de Grey, the memorials from three provinces diminished one-half—the memorials from Ulster increased one-fourth. Thus the government of Lord Normanby sympathized with the great body of the people; the present Government only with one province. But what was now the course proposed for producing confidence between the people and those who administered the law? He confessed that he was one who could not look with satisfaction upon the proposed increase of a stipendiary magistracy, because from the existing Government he did not expect to see men appointed who coincided with the feelings of the people, but who would be adverse to the popular feelings. They had, indeed, professions from the Government, that it was their wish to employ persons acceptable to the people of Ireland, and to make no distinction between Catholics and Protestants. He thought, too, that the English Solicitor-general had even ventured to challenge the Opposition to state a single instance, from their own information, of a Protestant being appointed to a situation when a Roman Catholic was equally eligible. Hon Gentlemen might speak of what they knew in their different localities, but he should only mention that which he knew to have occurred in Roscommon. There a vacancy occurred in the legal department, by the demise of Mr. Comyn, the Crown Solicitor. At that time, Mr. Fitzgibbon was the Sessional Crown Solicitor in the county. Mr. Fitzgibbon was at the head of his profession, in place, in rank, and in capability. It was universally felt that Mr. Fitzgibbon was the best entitled to fill the situation. His Colleague and himself, opposed as they were to the Government, would not, of course, ask them for a favour; but, feeling that it was due to the Government and the country to state the claims of Mr. Fitzgibbon, they waited upon Mr. Greene (the Irish Solicitor-general), and mentioned to him the capabilities of Mr. Fitzgibbon, and suggested that the Government ought to give him the vacancy. Mr. Greene himself admitted the eligibility of Mr. Fitzgibbon to the office. Mr. Fitzgibbon was a Roman Catholic, but he had never taken a part in agitation. He was opposed to the Repeal of the Union, and the only time he moved in politics was this—that he acted as his agent at an election, and, to show the sentiments of the opposite party towards him, a retaining fee of one hundred guineas was sent to him, which in his (The O'Conor Don's) presence was returned, he having been first retained by him. In every respect, then, Mr. Fitzgibbon was the most eligible person to fill up the vacancy. Mr. Fitzgibbon was a Roman Catholic—he was not appointed, but a stranger was brought from the North of Ireland. A Protestant from the North of Ireland received the appointment; and then the Government on the other side, defied them to point out a single instance in which a Protestant was preferred to a Roman Catholic, both being equally eligible. He might refer to another instance that had been mentioned to him, but he wished only to speak of that which was within his own knowledge, and should not therefore further allude to it. Another proposition that had been made for the benefit of Ireland was to increase the grant for the purposes of National Education. It was tendered as a boon, and as such it should be accepted. At the same time he must say, that education and poverty were bad concomitants. Unless means were at the same time devised to improve the physical and social condition of the people by developing the

resources of the country, education might only enable the poor to perceive more accurately, and to feel more acutely, the extent of their sufferings and privations. But even through the medium of education he felt that the condition of the people might be improved if their education was practical—he meant agricultural as well as literary. The advantages of agricultural education he would exemplify from what he heard of the Agricultural Society at Ballinasloe. Before its formation he heard Lord Clancarty say, that he could scarcely find sufficient employment for his tenants, who pressed him to give them work. The society taught those tenants a better system of agriculture. They found it more profitable to cultivate their own lands than to work for his Lordship, and he had to go into the labour market at Ballinasloe, to seek for men to work for him, instead of trying to make out work for his tenants. Agricultural education would give increased employment and higher remuneration for labour, and he trusted it would be encouraged by a grant to promote it. At the same time, he must say that no care would be superfluous to prevent such a grant from being jobbed. Jobbing was the consequence of misgovernment in Ireland. The interests of the many had been made subservient to those of the few. Monopoly and selfishness were thus engendered, and jobbing was the natural result. Guarding against this evil, they should, by agricultural education, and agricultural premiums, endeavour to promote the only manufacture in Ireland—that of the soil, and by its increased productiveness provide for the increased population in that country. Another proposition was, to legalise endowments and grants made by Catholics or Protestants to the Roman Catholic Church. He thought this most desirable. He knew there were those who held trust-money for Catholic charitable purposes—they who were so entrusted were only bound by a moral obligation for its due application. He would wish that they might be legally responsible for it. But he would wish still more that a power was given to Roman Catholics to purchase ground—a small portion of ground—when necessary, for the erection of places of worship, they paying the full value of the land to be applied for that purpose. He hoped it would not be considered an undue interference with the rights of property. He knew from his own knowledge, that in parishes belonging almost exclusively to Protestant proprietors permission had been refused to Roman Catholics to purchase even an acre of land for the erection of a chapel; and the poor Roman Catholics had to walk several miles, sometimes in wet and cold, and snow, to a distant place of worship on Sunday. He wished for a law to make it compulsory on those Protestants to give the accommodation required, on payment of the full value for it. He was glad that House seemed to concur in the suggestion, and he was sure that its being carried into effect would mitigate some of the feelings of jealousy which existed in the minds of the Catholics as to the position of their Church. There was another suggestion he would offer to the House. It was known, that every Protestant clergyman in Ireland, could register out of his glebe. They generally voted as one man against the Liberal candidate. The Roman Catholic clergyman seldom had a vote. In general he expended upon his chapel and his parishioners what, if laid out on his house and on land, would qualify him to vote. He (The O'Conor Don) would wish, that the priest receiving beyond the amount of qualification from his chapel out of his parish, might be empowered to register out of them, and that he might feel, that in this respect, he was on an equal footing as to the Elective Qualification with the Protestant clergyman. He would wish this to be entertained, when discussing the extension of the Elective Franchise in Ireland. Upon that measure he would then only say, that if, in extending the Franchise, they only increased the power of the Anti-Liberal party, as some apprehended, considering the quarter whence the measure emanated, they would only aggravate the evil of which the people at present complained. Upon the Landlord and Tenant Commission he would only observe, that in his opinion, they had long since had sufficient grounds and evidence for legislation, and the sooner they proposed something positive to the House the better. The expectations of the people was raised to an extent, that he feared, would lead to disappointment. Each day added to their hopes, and the evils of suspense could not be exaggerated. He had trespassed too long, but he could not but advert to the Catholic oath prescribed by the Emancipation Act. He must say,

that the manner in which that oath was read by the noble Lord the Member for North Lancashire, was most ungenerous and unjust. The noble Lord seemed to insinuate what he did not assert. The noble Lord might recollect, that some years ago, when the Catholic Members were supporting the measures of the noble Lord, they were accused by Captain Gordon of violating their consciences. The noble Lord had then no objection to their then supporting measures said to affect the Church. He (The O'Connor Don) appealed to the House, whether the consciences of the Catholic Members were to be tested by the barometer of whatever political atmosphere the noble Lord might choose for himself. When the Catholic Relief Bill was under discussion, one clause was proposed to restrict the Catholic Members from voting on questions affecting the Church. That was opposed by the right hon. Baronet, who declared, that in admitting Catholic Members into the House, he thought they should be admitted on a perfect equality in their legislative capacity. What said Sir Charles Wetherell, one of the first lawyers of the day, upon the Catholic oath?—

"I wish (said he) that some senior optime, from Oxford, or some senior wrangler, from Cambridge, would explain to me how this is to bind a Roman Catholic in his legislative capacity. There are hon. Members in this House, and Protestants too, who think like the hon. Member for Montrose, that the revenues of the Church are national property—that they may be dealt with as a State fund to be distributed as Parliament shall think fit; there are other Members, as the Member for Colchester, who think that the property of the Church is an incumbrance to her. Now, suppose the Member for Colchester to move the appropriation of Church property to other than Church purposes, and the Member for Montrose to second that Motion, do you mean to tell me that the Catholic would be acting against his Parliamentary oath if he sanctioned such a measure, so proposed and so seconded by Protestants, and probably supported by sixty or seventy Protestants? Would the Roman Catholic be restricted from supporting that vote by the oath in the Bill? He defied the casuists from Oxford or Cambridge, or any man in the House, to answer that question."

—affirmatively, he meant. Thus did it appear, by the opinion of that eminent lawyer, that the Roman Catholic was as free to vote on that question as any other Member, and if he abstained from so voting as often as he could, it was only because he wished, that, believing his religion to be the truth, he did not wish that the shadow of a shade of suspicion should attach to its purity by leading any one to suppose that it did not inculcate the inviolability of an oath. A noble Lord opposite had stated that Ireland was the battle field for contending parties. He (The O'Conor Don) regretted it exceedingly. He regretted that in their debates party was everything, and Ireland was nothing. He was sorry that it was the arena on which adverse politicians contended. He feared they thought as little about it as opposing armies did of the field on which they strove for victory. They spoke of an Irish debate as they did of Waterloo, and thought only of those who distinguished themselves in either. He would wish that Ireland was everything, and party nothing. He would wish that Protestant, Catholic, and Dissenter—English, Irish, and Scotch—would consider themselves as fellow-citizens of the same empire—fellow-subjects of the same Queen—brothers in Christian charity and civil rights, and rivals only in the noble emulation of endeavouring to promote the common good of the three portions of the empire. If they approached the discussion of Irish questions in this spirit they would do her justice.

Sir *W. James* said, that he had listened with great attention and much pleasure to the speech which the House had just heard, but he did think that the hon. Gentleman ought to make a little allowance for party feeling on one side as well as the other. He was very reluctant to intrude upon the attention of the House on an Irish debate, but perhaps the House would excuse him when he laid claim to some hereditary right to do so on the ground of family connection with that country, through the late Lord Castlereagh, who had been mainly instrumental in promoting the measure of the Union. That noble Lord, although much vilified by the hon. and learned Member for Cork, had always been remarkable for his consistency and firmness, and his love of country and of justice. Hon. Gentlemen on the other side seemed to say that all the benefits which had been conferred upon Ireland had been given by them. But this, in his opinion, was a most extraordinary thing to say in the face of the Emancipation Act, which was a child of the Tory

party, Government having been virtually pledged to it at the time of the Union. It was true that the other side had filched away their child, and had given it a bad education, bringing it up with all their vile Whig notions and democratic prejudices; and it was no wonder that they (the Conservatives) were not pleased with their own child, which had received this Radical education. He had lately discovered the origin of the word Whig. He found that it was of Scotch origin, and originally meant a sour, acid scum, which floated at the top of butter milk, and which had not inappropriately been used as a nick-name for the sour faces of the Presbyterians of those days, who were thus the original Scotch Whigs. He was sorry to say that the acrimonious tone of the noble Lord when making his long speech in bringing forward this Motion strongly reminded him of this origin of the word. As to the noble Lord's imputation against the Government, that the noble and learned Lord on the Woolsack had been given that honourable post as a reward for his abuse of the Irish people, it was really too contemptible a charge to call for any refutation. He should, therefore, address himself to the question before the House. The question, as it appeared to him, divided itself into two distinct points; first, the executive policy which should be pursued towards Ireland; and, secondly, the legislative measures which it might be necessary to adopt. With respect to the first point, he thought that, looking at the violence of parties which prevailed in Ireland, a firm, strong, indeed he would almost add, a severe executive was necessary there. But, on the other hand, he thought that with such a policy in the executive department, there should be adopted as far as possible a large conciliatory system of legislation. He would tell the House what he considered a fair test of a strong, firm Administration, namely, when they could keep their own friends in order. He thought it could not be said, that such an administration existed in the time of Lord Normanby, who sought only to keep parties in good humour by going about and showing himself from place to place, opening gaols, and courting all the vulgar acts which might conciliate popularity. The Government of Lord Fortescue was as far as it went, good in the executive, and went on well until his Lordship made that manly declaration about Repeal, and against Mr. O'Connell, the former friend of the Whigs, which immediately opened up all the former agitation. The temporary and unmeaning popularity of Lord Normanby for a time restrained agitation as we do by pouring a little water on a great fire; but it only restrained it in order to give it strength to break out with increased violence when the occasion occurred under his successor. Now, with respect to his test of a firm government. The present Government had stood that test—they had shown themselves able and determined to keep their own friends in order. He would state a case to show the importance of this firmness on their part. A noble Lord, whose name he would mention to any gentleman who might ask him, had said to him, that the great anxiety of the Government in the affairs of Ireland, was not because they considered that the Catholics were disaffected, but because there was great disaffection against the country and the Government in the minds of the Orange party. The Government, however, had successfully met the threatening dangers from this and every other quarter. They had shown themselves determined to vindicate the law, and to do equal justice to all parties in the State. With respect to the late prosecutions, which had been so much cavilled at, it was one thing to find fault with the manner in which the jury was composed, and another to arraign the justice of their verdict; and, with the exception of the hon. Member for Cockermouth, he believed that no one in this House had yet ventured to do the latter. For his part, he thought it a very humane act of the Government to step in to put an end to the agitation before the danger from it became too imminent to avert. The Government, through the whole of their career, had shown a bold front in the executive department, and he hoped that they would not neglect the opportunity which this would necessarily give them to carry out a wise policy in the other department to which he had referred, by adopting a wise conciliatory system of legislation. An alteration he would venture to suggest which he thought might be carried into effect, not only without any detriment to the public service, but with positive advantage to the country. He thought that the office of Lord Lieutenant might be altogether abolished; and

the cost which would be saved applied to the promotion of railways and other public works in Ireland, which would confer a substantial benefit. He thought that the introduction of the Poor-law into Ireland was a great error in policy. In a country where one-fifth of the population were paupers it was idle to make any experiment with a view to establishing a general system of relief. But although he thought it hopeless to administer to the physical necessities of the poor in Ireland upon any Government workhouse system, he thought that something might have been done to afford them efficient medical relief. Now with regard to the Church question —that all-absorbing question—he must say that he approached any discussion upon it with diffidence, yet he would not shrink from stating his opinion with respect to the declaration made by Ministers, that they would adopt no measures which had not for its object the security of the Establishment. He could not but express his gratification that they had taken right steps to maintain the Protestant Establishment in Ireland, although he could not agree with the noble Lord the Secretary for the Colonies, as to the ground upon which the noble Lord rested his support of the Church. The noble Lord had said that he supported the Church because it was established at the Reformation, as the bulwark of our liberties, and was indissolubly connected with the State at the Revolution. Now he supported the Church because it was Catholic and Apostolical, and not merely with reference to its being connected with the civil power, although he held it to be indispensable to the safety of the State, that that connection should exist. The noble Lord, the Member for Sunderland, had said that the Church revenues were taken away from the Catholics, to give to the Protestants. Now in Ireland it happened that the revenues of the Church were never under the control of the Roman See. In 1537, the Irish Catholics objected to the authority of the Roman See. In the reign of Elizabeth, the Irish clergy emancipated themselves from the authority of Rome, and at a convocation of Irish Bishops held in that reign, nineteen Prelates being present, only two objected to the separation from the See of Rome; so that it was evident that the reformation of the Irish Church was not the result of conquest, but was accomplished by the concurrence of the Irish Bishops and clergy themselves. These are facts, and whatever the noble Lord (Lord Howick) might say, facts are stubborn things. On the other hand, it was with great regret that he had heard the hon. Member for the county Kildare (Mr. M. O'Ferrall) say, that the proper mode of giving Ireland tranquillity was to reduce the Established Church, and that asserting the maintenance of the Establishment was the same thing as declaring that Ireland must be held by military occupation. The right hon. Gentleman was a Catholic, and he (Sir W. James) regretted the more a declaration of this kind emanating from the right hon. Gentleman. There were three propositions put forward by the noble Lord the Member for Sunderland for, as hon. Gentlemen were pleased to call it, an abatement of the monstrous grievance of the Establishment. One proposition was for paying the revenues of the Protestant Church over to the Catholic Church. A second, for dividing the revenues between the Catholic and Protestant Churches; and a third, to have recourse to the voluntary system, and appropriating the Church revenues to national purposes such as public education. Now, he could not consider either of these propositions as in any degree analogous to the principles of the Constitution. As to the voluntary principle, he freely confessed that he agreed with a noble Lord now in Her Majesty's Government (Lord Wharncliffe), when he declared that rather than see no Church Establishment in Ireland, he would prefer seeing the Catholic religion established there. With respect to placing the two Churches on a perfect equality, he believed in his conscience, that such an equality—that is giving the Anglican and Romanist Church equal rights, or placing them in juxtaposition to each other, would only engender religious animosities, and produce more ill feeling than existed at present. It is asked, what can be done? What ought we to do? He certainly thought with the noble Lord who brought forward the Motion, that increasing the grant to the College of Maynooth was a judicious course. He would be willing to do anything that would tend to conciliate the Roman Catholic Clergy without injuring the Church Established. The noble Lord alluded to the opinions of the Archbishop

of Dublin on the congregational system, and on that point he did not altogether disagree from the noble Lord. No doubt, the Catholics saw, with some pain, the revenues of the Church given to a Clergy who frequently had no congregation, and he should certainly like to proportion, in some degree, the emoluments to the extent of the congregation and the duties of the pastor. If it were possible, it might be advisable to permit the redemption of the tithes of those Catholic parishes in which there were few or no Protestant inhabitants. With regard to the proposal of the noble Lord the Secretary of the Colonies, to give the Irish Roman Catholic Clergy glebe lands—of that measure he entertained more dread—but if it were done, how would it be possible to resist the motion regarding the law of *mortmain*, which had been brought under the notice of the House by his noble Friend (Lord J. Manners). This law ought to be modified. He had now touched, as he believed upon each topic with reference to the Established Church in Ireland, which had been adverted to by the noble Lord opposite, and hon. Gentlemen on that side of the House. He must, however, recommend to the Ministers to pursue a conciliatory policy towards the Roman Catholics, to whom he was disposed to give civil rights co-equal with their Protestant fellow-subjects. He had no objection to give the Roman Catholic Bishops their titles, but if they came to ask favours of the Crown, he would suggest that the Crown should reserve to itself the power to deprive them of those titles if they entered into any political agitation —such as they had engaged in on the Repeal question. He gave much credit to Dr. Murray, Catholic Archbishop of Dublin, for discouraging his Clergy from entering into that agitation. To such men he should not be willing to deny the title of Bishops. He would now refer to an hon. Gentleman, who, from the position he held in Ireland, and from the agitation he created there, could not be passed by unnoticed. He would not speak disrespectfully of the hon. Gentleman, but he must say that the hon. Gentleman had produced much mischief in Ireland, and more especially by making religion a political question. He alluded to the hon. Member for Cork (Mr. O'Connell). This Gentleman he could only compare to one of the greatest monsters of a former period, one, who by a similar course of agitation, overthrew the Throne and the Church. Between Oliver Cromwell and the hon. and learned Member for Cork he perceived a remarkable analogy. I mention it to the House in order that, remembering the denunciation of Cromwell at Wexford, they may see how little we know ourselves, and how nearly extremes meet—how far the independent general, *mutatis mutandis*, resembles the Jesuitical agitator. [*Laughter.*] They might laugh, but he would ask them, were not both the character and movements of that hon. Gentleman exactly similar to those of Cromwell. Did he not boast of the discipline of the Irish people? Did he not say that he had a finer army at his command than ever Napoleon had, and did he not repeatedly allude to the influence he had over the Irish people, which no doubt the hon. Gentleman meant in a military point of view? He had no doubt but that the hon. Gentleman had objects similar to those of Cromwell in view, and he thanked Her Majesty's Ministers for interposing the power of the law to check in good time the projects of the agitator, or the Protector, as he had more than once called himself. What did the denunciation of the Saxon mean? What meant the crowning at Tara? What the army of fanatics whom O'Connell had at his back? His fall in popularity, too, will be similar to Cromwell's. The ardent spirit of his followers will wish to drive Mr. O'Connell into measures which he never contemplated, and the first check which he gives them, will be the sign of a waning power in Ireland. Already the Repealers begin to think their leader is hanging back. With respect, however, to the Catholic Clergy of Ireland, he was of opinion that they ought to be conciliated; but, by all and every means known to the Constitution, put down political agitation. With all respect to the hon. Member for Cork, he would say to Government put a stop to the mischievous career of the hon. Member, who, he must add, was a curse to the country. Ireland was a fine country, and her people were a generous and a confiding people. He would ask the hon. Member for Cork, why such a country, and such a people, could not be raised to a prosperous condition? He would say to him cease your agitation; let the people be tranquil, and you will have Ireland what

she ought to be, a prosperous and a contented land, with quiet, capital would pour into her garners, and a long perspective of smiling prosperity open upon a regenerate people.

Mr. *E. Buller* was understood to say, that it appeared to him, that both sides of the House were agreed that the condition of Ireland demanded the grave attention of the Legislature, and that on some subjects respecting the amelioration of the condition of the people they were also agreed. The distracted state of Ireland was embarrassing to the Empire at large. No one could deny that during the spring and summer of last year, a state of things had existed in Ireland, calculated to excite feelings of alarm and apprehension, and that a system of agitation had been kept up which interfered with all the social and industrial pursuits of the people of that country. But from what did that distraction arise? From a continuous system of misrule, interrupted indeed for a short period by the wise and conciliatory policy of the late Administration, but again adopted and acted upon by Her Majesty's present advisers. He did not mean to say, that they had not a right to put down the meetings held in Ireland during the last year. But what gave rise to these meetings? Undoubtedly the denial of justice to Ireland by the present Ministry, from whose speeches he was now forced to conclude, that they meant to continue that denial. The right hon. Baronet at the head of the Home Department, had read extracts from some speeches delivered at the meetings in Ireland, and denounced them as highly inflammatory. The right hon. Baronet did not consider that his own inflammatory speeches were the cause of the meetings held—the agitation provoked, and the speeches delivered at those meetings. Previous to the right hon. Baronet's coming into power Ireland was tranquil. The Administration which preceded that of which he now formed a part, left Ireland in peace. In what state was she now? Was she not occupied by military force? The right hon. Gentleman had endeavoured to show the contrary, and had told the House, that the Returns on the Table would prove, that for the last two years the military force in Ireland had been lower than had ever been known; and then they were told by the noble Lord, that it was in March, 1843, and not till then—when the Government had been in office a year and a half—that the state of affairs in Ireland became so alarming, that Government thought it necessary to introduce an overwhelming military force; and he would go thus far with the noble Lord, that if the state of affairs in the autumn was as he had described it as being in March, it was imperative on the Government to maintain a large force in that country. He could not, however, forget that Ireland was in a very different state in March, 1843, and even previous to that time, to that in which it had stood when the late Government left office. He thought the true cause of the increased agitation in Ireland last year might be traced to the declaration made last year by the right hon. Baronet (Sir J. Graham), that concession had reached its limits, and that Government had no measures to introduce for the benefit of Ireland, but an Arms Bill; and it was very possible, that despairing of any justice from the Government and the Parliament, the people had been induced to resort to Repeal agitation to obtain the redress of their grievances. Be that as it might, it appeared that meetings which had so alarmed the Government in March, continued throughout the summer and autumn; yet no voice of warning was given to the people who attended them that they were acting illegally—nothing was done to prevent them becoming the victims of the delusion into which they had fallen. He was at a loss to understand why the Government, having permitted the previous Repeal meetings, proclaimed against the one which was to have been held at Clontarf. It appeared, that so long as the Repeal agitation was on foot, it might travel through the whole length and breadth of the land without exciting apprehension of danger; but a meeting attended by persons on horseback was sufficient to call into operation all the force in the country which the Government had at their disposal, both civil and military. He could not understand by what process that which was legal while a man was on his legs, was sedition when he was in the saddle. What he complained of was—not that the meetings had been put down, but that no warning had been given; and that the proclamation had been withheld until the Saturday evening, when it was too dark to read it, forbidding the meeting which was to take place on the Sunday. Sup-

posing that the intentions of the Government were to preserve the peace and to prevent a collision, their conduct was the most unaccountable he had ever heard of. Fortunately, however, the proclamation issued by the Repeal Association, had the start of the Government proclamation, and the people were apprised of the intention of Government to suppress the meeting. The conduct of the Government was not wise, and it was not humane. He would now refer to the proceedings in connection with the late State Trials. He would not enter into the questions of the Jury and the verdict, which had been already so well discussed; but he thought if an impression of unfairness in regard to these trials had obtained, it would be confirmed by the speech of the hon. and learned Solicitor-General. The hon. and learned Member had defended the constitution of the Jury and the form of the indictment, and had praised the conduct of the Attorney-General for Ireland; but in respect to the panel he had been altogether silent. The hon. and learned Gentleman, in proof of his position in defence of the form of the indictment, quoted certain precedent cases that had occurred in this country. It was true, that in the cases the hon. and learned Gentleman had quoted, large meetings had been held and violent language indulged in, but it was also true, that those meetings were connected with, and had been preceded by other secret meetings, in which language of the most dangerous character was proved to have been used. These secret meetings to which the hon. and learned Gentleman had alluded, were of quite a different description to those which had recently taken place in Ireland. But they had been told by the right hon. Baronet opposite, that the measures of Government had been successful; that the Repeal agitation had been put down, and that the country was tranquil. If it was so, this was the time to bring forward remedial measures. Now, he asked whether the measures introduced by the Government were of that character? Look, in the first place, to the great grievance of the Church. Her Majesty's Government said, that they were determined to maintain the Church Establishment in Ireland in all its integrity. Now, he would ask, what was the meaning or effect of that declaration? Why, that they were determined to maintain a Protestant Church amongst a Roman Catholic population—a Church endowed with the property which had been left by the people of Ireland, and had been transferred from their descendants to those who were aliens from them in religion? They would maintain a Protestant Church amongst those who could not share in its worship, who could not join in its prayers, and who could not participate in its sacraments. That Church was identified in the minds of the people of Ireland with all the calumnies heaped upon them and with all the abuses they endured, and still that Church was to be maintained in every corner of Ireland as a clear, and visible, and undoubted demonstration that the institutions of that country were not in accordance with the wishes of the great body of the people of Ireland, but in accordance with the intolerance and bigotry of a section of that people. By such a declaration as that which the Government had made, they were only arming their opponents, and enabling them, at some future time, to meet them with more effectual resistance. That Church Establishment in Ireland appeared to him not only unjust in its origin, but even still more indefensible in the mode in which it was maintained. At the time that Church was established in Ireland the Government in that country might be said to be in the enjoyment of arbitrary power; they had not then to cope with the resistance of an enlightened, an intelligent, and a powerful Roman Catholic body. They had not then the experience of 300 years before them—they then might have hoped that they would be able to effect some change in the religion of the people, and they might have hoped that the time would arrive, when that people would become a Protestant people. But he would ask now, after that Church had existed in Ireland for 300 years, whether any progress had been made in making the people of Ireland Protestants? The right hon. Member for Edinburgh had compared our dominion in Ireland with the dominion exercised by other parts of the world towards their provinces—he had compared it with the dominion that had been exercised by the Spaniards over their colonies; but he (Mr. Buller) contended that if they looked into the Government of Ireland, they would find the injustice and oppression exercised towards Ireland worse than that exercised by the Spaniards towards their

colonies. It had been said that there was a small step from the sublime to the ridiculous, and the injustice practised towards Ireland was so extensive, that it sometimes even bordered on the ridiculous. This question was only to be effectually dealt with by the rules of common sense. They had been told by the right hon. Gentleman, the Secretary for the Home Department, that the Protestant Church in Ireland had been established at the Reformation—confirmed by the Revolution—strengthened by the Act of Settlement, and solemnly ratified by the Act of Union. Now, this appeared to contain more of sound than of sense, for neither the Reformation, the Revolution, the Act of Settlement, nor the Act of Union, would ever make wrong become right, or satisfy the people of Ireland with the continuance of injustice. What then ought to be done? for from what they knew of Ireland, our measures, in order to be successful, depended not so much on what we did, as upon the spirit in which we acted. He did not believe that if the revenues of the Established Church were given to the Roman Catholic clergy, that you could by such means conciliate them. They were men with peculiar traits of character, and did not appear to possess dispositions that made them peculiarly susceptible of temptation. He believed that they were men of good dispositions—firm in their own convictions, and earnest and zealous in the propagation of their faith to a degree equal to the Clergy of any other Church on earth; and he believed, that though it was out of our power to buy them with money, yet that it was in our power to win them by conciliation; he believed that they might be won if we were prepared to treat the Roman Catholic Church with justice and impartiality; and, if funds were placed at their disposal, it should not be for their purpose of endeavouring to render them the subservient tools of Government, but to make them still more zealous and efficient ministers of religion. By such means as these we might count on the attachment, loyalty, and affection of the people of Ireland, and might secure to ourselves the willing obedience of the Irish people.

Mr. *Lascelles* said, that after the lengthened discussion which had already taken place, it was not his intention to trespass on the House at any length of time, but he was anxious to state the grounds on which he would give his vote on the present occasion, and the view which he took of the motion of the noble Lord. He would not vote for that motion, for he could not forget the time at which that motion was brought forward, and neither could he forget that, on the discussion which took place last year on the state of Ireland, the noble Lord himself was not prepared to make the proposition which he now came forward to make. Preceding speakers had very properly stated that the grounds which the noble Lord submitted for his motion appeared to be divided into two distinct subjects—one was a distinct arraignment of the Government for their administration of justice—and the other object seemed to be, by coupling together parts of the old history of the country, by referring to bygone times, and ripping up old sores, to endeavour to show that the Government were carrying on the government of Ireland by raking up the old spirit of animosity that had prevailed in that country. It appeared to him that these charges were altogether unjust. When he recollected the course that had been taken with respect to the Orange Lodges in Ireland—when he recollected that by the influence that had been exercised by the friends of the Government four Orange Lodges in Ireland had been induced to dissolve themselves—and when he recollected that, under circumstances of great provocation and excitement, the Protestant population in the north of Ireland had been restrained from any impropriety or misconduct, he could not but feel that such a charge was wholly and entirely unjust. He thought that it was not by catching up the indiscreet expressions of members of a party that a charge of so grave a nature could be justly urged against the whole body. Now, with respect to the late prosecution, he thought that if the Government meant to put down the Repeal agitations they could not have taken any other course. He was sorry to have heard in the speech of the noble Lord something that seemed like an apology for the Repeal Agitation. He would say that, whatever other differences of opinion might exist amongst parties in that House, let them, at all events speak firmly and boldly on that subject. Let them not deceive the people. Let them tell them that whatever their grievances might be, they were not pre-

peared to redress them by the concession of a Repeal of the Union. When it was found that the first charge against the Government was not maintained, their opponents resorted to another argument, and said, that though the Government might govern with the strictest impartiality, yet that they were under suspicion in Ireland, that they had not the confidence of the Irish people, and therefore that they could not carry on the government of that country with success. He should, indeed, be sorry to think that there was any foundation for such an opinion as this; because the people of this country having placed a Conservative Government in power, if it was found that such a Government was not capable of governing Ireland, it would, in his mind, form one of the strongest arguments for a Repeal of the Union. But he would again urge the danger of using any such argument. But though he did not agree in the charges that had been brought against the Governmant, he would not enter into party crimination or recrimination, but repeat that he could not vote for the motion of the noble Lord. In turning from that subject he would now turn to a new and far different subject—he meant the future policy to be pursued towards Ireland. On that part of the subject he must say that he had felt it to be his duty on a former occasion, and when parties were nearly balanced in that House, to take that course which he should take to-night. It was a course painful in himself to take. He had hoped that parties would have been able to come to some understanding on the subject. It was most important for them to consider, in the case of Ireland, that it was not alone what they did that was of importance, but it was equally important to consider the spirit in which they did it. He thought that after the passing of Roman Catholic Emancipation, every act which they did with respect to Ireland must be viewed, through the suspicion engendered by past wrongs. He would not go through the subject of the various measures that had been brought forward with respect to Ireland, unless merely to touch on the subject of the registration. A great many attacks had been made upon his noble Friend (Lord Stanley) on the subject of Irish Reglstration; but they must recollect that the Government of the noble Lord opposite Lord J. Russell) had themselves complained of the state of the Registration in Ireland, and the evils of the system of Irish Registration were partly admitted. Now, when it was proposed to define the Franchise, and when it appeared from the returns that the measure proposed would diminish the Franchise in Ireland, he had stated in the House that he would not be prepared to vote for such a proposition; and he must say, in justice to those who sat at his side of the House, that there seemed no disposition to adopt any proposition that would have that effect. Now, with respect to the future policy to be pursued towards Ireland, he was one of those who had always regarded Roman Catholic Emancipation in no other light than as the commencement of a series of measures for the amelioration of Ireland. He did not think that we could remain where we were. He thought that the very principle on which they had extended the political franchises of the Irish people was equally applicable to the revision of the whole Church Establishment. It had been said that parties had come to an agreement on the subject of Roman Catholic Emancipation, and it had also been said that strong declarations had been made at the time that no further step would be demanded on the part of the Roman Catholics. He (Mr. Lascelles) believed that at the time nobody did intend any further step; but they must recollect that in dealing with the affairs of a great country, they could not pin men down to certain declarations, and whilst a rankling grievance remained, it was idle to think that the declarations of any man could settle that grievance. Now, when Gentlemen asked what had been gained by the Reform Bill, and hod not the dangers that had been apprehended already come to pass, he would say that, so far from that, since the passing of that measure, you had not seen Roman Catholic Members in that House banded together for the attainment of any particular object adverse to the Constitution. On the contrary, when the Roman Catholic Members were not able to attain their objects in that House, they had given up their attendance, and remained away altogether. They relinquished their attendance in that House, and went back to agitation. That circumstance showed that no increased power had been conferred on them by the concession of those measures. But let the House understand

from her Majesty's Government what they meant to do for the future. He did not think they were called upon to do any more than make a declaration of the principles on which they were disposed for the future to conduct the government of Ireland. He should be quite satisfied if his right hon. Friend would make such a declaration with respect to future legislation for Ireland as he had made with respect to his commercial policy. He would wish to hear his right hon. Friend at the head of the Government announcing his intention of altering the anomalous position of the Protestant Church in Ireland, whilst maintaining it in those principles on which alone a Church Establishment could be maintained in any country for the purposes of religion and the spiritual instruction of the people; and altogether giving up the notion that the Protestant Church in Ireland was only to be looked upon as a Protestant stronghold in that country. If his right hon. Friend would make such an announcement as that, he would not require from him any announcement of particular plans. He thought that the noble Lord opposite had found by experience, that it was not always advisable that a Government should announce particular plans. The noble Lord had announced the principle of appropriation; but, finding the opinion of the country against it, and that he could not carry it, he wisely gave up that proposition; but he did not give up the Government in consequence of not being able to carry his measures. These questions were only to be carried by discussion, and by the influence which men of enlightenment and experience exercised over the people of the country. He would only say, in conclusion, that he should much regret if the Government would merely content themselves with administering the existing law in Ireland, and would not go further in the introduction of other measures of legislation. He begged to repeat that he could not vote for the motion of the noble Lord, because it involved a most unjust attack upon the present Government. So far as the expression of opinion that had fallen from him, it was accompanied with great pain to himself, and the greatest respect for those hon. Friends from whom he differed.

Mr. *Gisborne* thought that the speech of the hon. Gentleman opposite was not the only benefit which had arisen from the motion of the noble Lord the Member for the City of London. They had had from the other (the Ministerial) side of the House, a great many kindly expressions towards the people of Ireland—there had been a general disposition exhibited on that side of the House to meet fairly and fully every point adduced in favour of the claims of the Irish people. With the exception of the question on which the hon. Gentleman had just ventured, and, by doing so, broken the trammels which seem to hamper his side, he did not think that after five nights of debate, the position of Government with respect to the motion before the House had been carried much further than the point at which it was left on the first night. Nor, perhaps, was it to be expected that it should be so, not that he undervalued the able speeches made in behalf of the Government, for the speech of the right hon. Gentleman at the head of the Home Department, was a comprehensive, able, statesmanlike, and calm exposition of the principles on which the Government carried on the administration of Ireland. The right hon. Gentleman claimed for the Government credit for kindness, fairness, and forbearance in the impartial administration of justice, and in the unsectarian distribution of the patronage of the Crown. He not only claimed credit for them for acting on these principles, but he declared that they applied them to every case in which the Government distribution of patronage had been attacked. Indeed, he must confess that the speech of the right hon. Baronet had essentially modified his opinions upon the administrative acts of Government. Taking candidly from the right hon. Gentleman the description which he had given of the intentions and purposes of Government, and the manner in which they had applied those purposes and intentions, he would turn to the description which they had of the Irish people. That description he would take from the other side of the House. The hon. and learned Gentleman the Recorder of Dublin had stated that they were a generous and a confiding people. That sentiment was echoed by another hon. Gentleman, the Secretary for the Admiralty, and again by the noble Lord who had spoken that night. But passing from the testimony given by the other side of the House, it was stated by all writers—by all travellers—by everybody who had lived among them—by fo-

eigners who had come to examine into their condition, and who had given their observations to the world—it was stated by all these that no nation existed on the face of the earth with whom a little justice and a little kindness would go so far. Having then, on one hand, a Government which, as he thought, could fairly, as far as administrative acts were concerned, claim credit for kindness, forbearance, and impartiality, and having on the other hand, a grateful and confiding people, he asked, whether they found in Ireland the natural results of such a combination? Why, under such circumstances, they should expect to find a state of peace and prosperity, and the people living in confidence under their rulers; they should expect to find them enjoying all the benefits which a country can possess from a beneficent Government; and as such unfortunately was not the case, he could only look on the right hon. Gentleman opposite as the most unfortunate of men. Surely the right hon. Gentleman was suffering the greatest misfortune, if excellent acts, brought to bear on excellent dispositions, were unsuccessful in attaining their desired object. It was more these considerations which induced him to support the motion of the noble Lord the Member for London, than any of the speeches which he had heard in favour of that motion. For if with all their good intentions Government were so unsuccessful, it was surely time that the House should interfere and examine whether there was not something in the principles on which the Government was carried on, that might lead them to adopt another system. Their first act after their appointment was the selection of two gentlemen to the judicial seat, of excellent private character and kindness of disposition, but violent partisans who had thrust themselves into every Irish debate, and certainly never contributed to its harmony. Suppose Mr. O'Connell were tried before Mr. Justice Jackson or Baron Lefroy. He did not say that they would not act impartially. They might show him even an undue degree of favour, for he had known a strong partisan when in a position of trust, and the eyes of the public were on him, lean unfairly to his opponent. He did not say that these Gentlemen would have such a bias any more than that they would act unjustly towards Mr. O'Connell. But this settled the question—unless the Ministers could say that Mr. O'Connell could with fairness and decency be tried by those Judges, they condemned their own conduct. Let it be recollected that they were not partisans in a country where the two parties were equally divided, but that they were partisans against seven-eights of the population among whom they had to administer the laws. With respect to the appointment of Catholics to places of trust, it appeared the Government was perfectly willing to confer them but they could find no Catholics fit to be appointed. That was another calamity of the Government; but it demonstrated the situation in which they were placed when they undertook the Government of Ireland. At the trial he was afraid another calamity fell on this unhappy Government. In the first place, wishing to show the utmost fairness, as expressed by the noble Secretary for Ireland, it was determined not to try the traversers by a jury that could be packed. No doubt, Mr. Kemmis knew the practice in Ireland well, and was not unlikely to take for granted that an Irish Government could not try a party for political offences by a common jury without packing it. Well, the special jury panel being at last arranged, the Recorder—without any fault, with scarcely any neglect—lost one of the lists, on which he admitted there were principally Roman Catholics. When this deficiency was pointed out to the Chief Justice, that functionary said that the law prescribed how the panel should be formed. It was not formed in that manner; it was not formed according to law, but it was, at least, good enough for the traversers. On this panel there were eight Repealers, and the ninth having signed a Repeal requisition, all were struck off. It so happened that thirty-nine remained, and if all the names were put into a hat, it was plain (as any Gentleman in the House, who was in the habit of calculating odds, would know) that it was as thirty-eight to one against the Catholic being drawn out for rejection. Now, some people took long odds, and always won, and others always lost, with the odds in their favour; but, at all events, the Attorney General solved the problem of pricking the one Catholic (whom he did not know to be one) out of the list of thirty-nine. If the list had not been lost by the Recorder, there might have been thirteen Catholics on the list, and the right hon. Secretary for the Home Department might have been gratified

with having a Catholic on the jury. Another point he was anxious to refer to was, the temper and moderation enjoined on the law officers. He was not going to criticise what took place during the trial, observing only, that the result did not exactly correspond with the wishes of the right hon. Gentleman. The last misfortune of the Government was, that the Chief Justice made a stronger and better speech for a conviction (and he had read them all) than either the Solicitor General or Attorney General. Then came the verdict. What should he say of it? It might gratify some Orange partizans. It might enable the Government to imprison Mr. O'Connell, though he did not believe they would ever do so. Sure he was, such a step would never procure peace, or attain what was said to be their object, the vindication of the law of Ireland. It was said that if Catholics were put on the Jury they would fast to death rather than convict Mr. O'Connell. But were there not Protestants who would starve rather than acquit him? It appeared to him the orders that should be given were to strike off every man known to be a violent partizan. The noble Secretary for the Colonies said, that the Crown Solicitor would not have performed his duty to his client if he had not struck off the Catholics. We all know what was an attorney's notion of his duty to clients! The mistake which the noble Lord (Lord Stanley) had fallen into, of calling the clerk of the Crown the clerk of the Course, thus inadvertently showing the thoughts which were passing in his mind, indicated what might be supposed to be the *animus* of a Crown solicitor, when discharging what he considered his duty in the striking of a jury. Now, as to the measures proposed by the Government. They put him in mind of a message of Cromwell's, who having solicited in vain to have some useful reforms passed, said, "There is mention in your last address of your purpose to do a good many things. I nope you will not be like a gentleman who made his last will, and set down the names to whom money was to be left, and there was no sum at the latter end." Now, the Government proposed to do a good many things. They set down the names of the people of Ireland, but there was no sum "at the latter end." He knew there was Landlords and Tenants' commission, but it was a mere moonshine. He was never more convinced of this than when the right hon. Gentleman congratulated himself on having got the support of the Member for Rochdale. Had the right hon. Gentleman any respect for that hon. Gentleman's opinion on any other subject? He remembered last year, when the hon. Member for Rochdale was addressing the House on some subject, and said, "I agree with Mr. So and So," the right hon. Member for Tamworth, in one of those stage whispers which were heard beyond the Treasury Benches, and were intended to be so heard, exclaimed, "That's the first time I ever heard him agree with anybody." [Sir *Robert Peel* had never used such an expression.] He gave the right hon. Baronet the credit of the denial, but he thought he heard such words. He remembered that the gallant Commodore (Sir C. Napier), the the motion relating to Scinde, said, that declarations of war were out of fashion. He must say, that the announcement that it was determined to maintain the Established Church, in its present position, was a declaration of war against Ireland. It was his conviction there would be no peace for Ireland without the removal of that Church. Here was a great nuisance which must be abated, and, with respect to which, as it was cherished as the apple of his eye by such men as the right hon. Recorder for Dublin, he should say, "If thine eye offend thee, pluck it out and cast it from thee." See what this country must gain, if on the death of every bishop he could withdraw a regiment, ane on the death of a dean a battalion from Ireland. He was surprised to hear the hon. and learned Solicitor General say last night that there were some fundamental laws which Parliament could not touch. A more dangerous and revolutionary doctrine he never heard. Why, our great constitutional security was, that we had powers to make, according to the forms of the Constitution, any alterations we thought proper. Had we the consent of the three branches of the Legislature we might turn this monarchy into a republic. When the nation wills a change "fundamental" Acts of Parliament never stand beween it and its wishes; the only danger is, that instead of acting within the powers of the Constitution, and by such means as must give satisfaction to all men, it is, when long resisted, apt to have recourse to violence. He did not mean to say, that

all the able speeches made on the other side produced no effect; but that that effect was not in proportion to the vigour of the speakers. In spite of the good intentions of Government, and their desire to govern fairly, the state of things in Ireland was such as this House ought not to sanction. He looked on the measures proposed as trifling—"There was no sum at the end," and their determination to maintain the Irish Church as the declaration of a permanent war.

Mr, *A. S. O'Brien* said, the hon. Gentleman who had just sat down conceded that the Gentlemen on the other side of the House had as yet made no progress in their attack on the Government. That opinion, he believed, would be shared by the country at large. It had been his lot, since he had been in Parliament, sometimes to vote against the present Government, but he had always done so through conscientious feelings and with the greatest reluctance. It had, however, been much more frequently his privilege to vote with them—sometimes for the sake of supporting the Government, sometimes through deference for the opinions of others whom he thought better informed than himself. But he never remembered to have given a vote on any occasion with more sincerity than he should on this, as a testimony of his approbation of the admirable tact, discretion, firmness, fairness, and wisdom with which they had conducted the recent affairs in Ireland. He did not care how long this debate might continue, or how long it might interrupt the business of the country, for he was certain that the result of it would be that the Government would occupy a higher ground and a stronger position in the opinion of the country. The hon. Gentleman who had just sat down, the hon. Gentleman who had preceded him, and above all the right hon. Gentleman the Member for Edinburgh, had alluded to the question of the Irish Church. He should be content to limit the duration of that Church to the time when the hon. Gentleman on the other side would have agreed among themselves what thep should do with it—for every variety of opinion had been hazarded about it, and every resource of human ingenuity exhausted in schemes for the disposal of its property. Some wished to transfer it whole to the other side—some wished to divide it into three parts —some into two parts—some to pare it down—and some to cut it up. The hon. Gentleman who spoke last proposed that at the demise of every Bishop in Ireland the Crown should remove a regiment, and at the demise of every Dean a battalion. The right hon. Gentleman the Member for Edinburgh had asked the right hon. Baronet at the head of the Government te enter into the question at large, and, in order to enable him to do so, evaded entering into any details himself, which was certainly the wisest and easiest course; for when you traverse the open sea of declamatiou you have only to keep your sails full, and no one could do that better than the right hon. Member for Edinburgh. But though that right hon. Gentleman would not state what he would do with the Irish Church, he stated certain grounds on which its defence ought not to be rested. The right hon. Gentleman said that he would not rest its defence on quotations from *Hannard*, from other old books, from Acts of Parliament, and the articles of the Union, and allusions to former promises of the Catholics. He admitted that if they could not make out a stronger case for the Established Church than what would be founded on questions from what the Roman Catholic Bishops had formerly said, they could never go to sea with such a vote as this. Though he differed from the hon. Gentleman opposite, he must say, as allusion had been made to the violation of oaths, that, after giving the best judgment and consideration to this subject he could, that argument never had much weight with him. It was fair and reasonable to expect good faith from corporations as from nations, but unfair and unreasonable to calculate in matters of such moment as the pledges of a class. Suppose that Dr. Doyle, or any other Roman Catholic Bishop had promised that the Establishment of the Irish Church should not be opposed, yet we had no authority, no knowledge of Roman Catholic Ecclesiastical Discipline, no manifestation by Papal injuctions, to make us believe that Dr. Doyle, or any other Bishop was able to bind his successors. It seemed to him to be very much the case as if they had occasion, as magistrates, to swear in special constables. They should, in the first instance, decide whether such and such an individual was a fit and proper person to be trusted with such an office; and if they thought that an individual or a class

was not to be trusted, they should not tender an oath; but it would seem very unfair if they took a man, appointed him a special constable, tendered him the oath, and then said, "Because you are a Roman Catholic we will add another proviso—to make you swear that in the crowd or disturbance you shall not knock down the parson." They should trust the man unreservedly with the staff or not trust him at all. But now they had given the constable the staff, and sworn him in to keep the peace, and not only that, but he was near meeting with the parson, and very much inclined to say that it was the parson who had kicked up the row, and it would not be enough to say, "We have got a letter from a man who died forty years ago, who promised not to interrupt the parson." He would say, that in the present state of things, that would not satisfy the bystanders. This seemed to him to be analogous to their present proceedings. If they put the case of the Irish Church simply on the promises of Roman Catholic Prelates and leaders in former times, and on no higher grounds, he did not think that it would satisfy the bystanders. The right hon. Gentleman the Member for Edinburgh had given several bold challenges to the right hon. Baronet at the head of the Government, and asked several vigorous and sonorous questions, and called on the right hon. Baronet to reply to them. It seemed to him that the advantage to the Government in such a debate as this, extending over six or seven nights, and embracing seven hours each night, was that out of the multitude of questions put to them, they might answer what they chose. He did not think that the right hon. Baronet could enter into the question of the Irish Church in a debate like the present. But they were—"has the Irish Church accomplished its mission, or can it? Is it associated in the minds of the Irish people with foreign usurpation—with the triumph of one race over another? If it be so associated is the association correct? And if incorrect, can it be annihilated? Is it responsible for the unhappiness of the people, and insecurity to property which we find in that country? And if we destroy it, shall we have a reasonable and fair chance of putting a better state of things in its place?" Unless they could answer these questions in the affirmative, they could not face the present state of feeling with reference to the Church of Ireland. He should be anxious to meet the question on these grounds, but feared that from the want of nerve and practice in addressing the House he should not be able to do it justice. The right Gentleman the Member for Edinburgh gave an historical disquisition concerning Ireland, and asked were they prepared to deny that, for the last 250 years the Church had not fulfilled its mission? He must protest against the injustice, the unfairness, and he might add the shallowness of limiting the question to a period of 250 years. If the right hon. Gentleman chose to look back at all to the old almanack he should have commenced with the introduction of Christianity into Ireland. [*Laughter.*] Hon. Gentleman might laugh, but it only showed their ignorance of their own history. He wanted only the fairest, widest, and amplest, discussion. Theirs was the superficialness, of ignorance and unfairness. He was not going to enter into a discussion of the early history of Ireland—he would soon pass from the fifth to the nineteenth century. He would say that if they entered into the discussion at all, they should begin from the arrival of that apostle of Christianity, whose name though often sneered at, was religiously cherished by a religious peasantry. ["Name."] When he talked of the apostle of Ireland, he thought it was scarcely necessary to name him. Were they, the upholders of the Catholic faith, to be told by a Scotch Member, and reminded by an English Member, that it was St. Patrick introduced Christianity into Ireland? The right hon. Gentleman the Member for Edinburgh passed in review over one century of the history of the Irish Church, and as his side was taunted with shrinking from the discussion of the Irish Church, he would mention another century, the twelfth century, which was not mentioned by the right hon. Gentleman the Member for Edinburgh. He wished that that right hon. Gentleman had with his historical information alluded to the bearings of the twelfth century on the destiny of Ireland, pointed out how lawless passion, the lust of conquest, and ecclesiastical tyranny, had united to produce that unhappy Union, the bull of Adrian, the invasion of Henry, the landing of Strongbow, and the subjugation of Ireland; and explained how it was that into Catholic Ireland, England introduced foreign domination, and foreign Popery—he said Popery as dis-

tinct from Catholicism. He would ask the hon. Gentleman opposite to meet him on this subject. He upheld the Irish Church, not because it was the Church of the Reformation—not because it was the tie of the Union—all these would not induce him to uphold it—but, because if it were annihilated to-morrow, the poor of Ireland would not be in the least benefited, and the tone of public opinion and public feeling would be deteriorated, and because there was in that Church a spirit of nationality essential to the welfare of Ireland, for in Popery, as distinct from Gallicanism, there was an anti-national spirit adverse to the welfare of the State. The right hon. Gentleman said, that the Irish Church was responsible for the attacks which had been made on the Roman Catholic religion. Before this Debate concluded, he hoped some of the hon. Gentlemen opposite would be able to tell him who first invented, and in what publication were the words "surpliced ruffians" first used. The hon. and gallant Member for Marylebone told them last night that some sensible old ladies, relatives of his, had declared that every member of the Roman Catholic Church would be lost, and that the chance of the members of the Established Church would be almost as bad. If that had been said by relatives of any Member on this side, would it not be denounced as a proof of their intolerance and bigotry? He hoped that though these were the opinions of the elderly ladies of Scotland, the younger members of society there to whom the hon. Member for Pontefract alluded last night, were not influenced by such bigotry. He would allude to the real grievances of the peasantry of Ireland, and would state one or two facts which he knew to have occurred. He wished that hon. Members would at this period of the Debate throw away the froth, and come to the liquor, as he was coming. He used a homely simile. The first and greatest evil which the poor of Ireland—the frieze-coated poor—endured he was now speaking from practical experience, and of what had occurred in Limerick and Clare—was the Poor-law. Hon. Gentlemen connected with that part of the country might contradict him if they could. The difficulty of collecting the Poor-rate harassed the poor man, and great good might have been done last Session if half the attention had been paid to the Poor-law that had been paid to the Arms Bill on the other side of the House. At the first institution of the Limerick Board of Guardians collectors of rates were appointed, but the number of months within which it was necessary that the rates should be collected was not named. In addition to that they awarded too low a per-centage to the collectors, and the consequence was, that the class of people to which the collectors belonged were spared, and a large amount of rate was left outstanding, whilst the poor wretched cottier and small tenant were harassed by the collection. That was one cause of grievance in Ireland, and hon. Gentlemen on both sides of the House would admit, that that constantly coming upon the poor man was a grievance far beyond all the other grievances which public orators were in the habit of attributing to the existence of an alien aristocracy and an alien Church. The next practical grievance of the poor man was the present state of the medical charities in Ireland. The whole system of dispensaries in that country required the most anxious consideration and attention. The next grievance was the little progress which the Board of Works had made there; and he regretted to learn that the Government had found it necessary to curtail this Board. Well, he should derive a little hope from that. The Chancellor of the Exchequer said, they did not mean to curtail the Board; and he hoped that, in the present prosperous state of the revenue, they would endeavour to increase the grant. Another grievance experienced by the peasantry was the heavy exactions to which they were subjected in the shape of tolls in taking the agricultural produce to the markets. Now, he had named four things, which, from his own observation and experience, he knew to have been felt more grievously, and to have pressed more heavily upon the poor frieze-coats of Ireland—for it was of them he spoke—and they were the largest and most important portion of Her Majesty's subjects in the country—than any others that could be named. He was glad to find that hon. Gentlemen opposite had received his remarks with regard to the poor, without contradiction, and with seeming sympathy and approval. As to the Resolution of the noble Lord (Lord J. Russell), as far as the House was concerned, it was practically carried, for the House might be deemed

at this time in Committee on the affairs of Ireland. If upon a division the noble Lord's motion should be lost, as he felt confident that it would, it would be a fair representation of the state of opinion in Ireland towards those who brought it forward. The Whigs were never subject to a greater delusion than when they fancied that the Irish peasantry cared one farthing about them. There were many, very many of them, well acquainted with the truth, that the real welfare and happiness of man depended more upon himself and less upon a change of Government than hon. Gentlemen who were in the habit of addressing large public assemblies, were willing to allow. They looked back to the time when the Whigs were in office and felt that little was then done for the poor; nothing, indeed, except the Loan Societies Bill, and that Tithe Act, which, coupled as st was with the fatal appropriation Clause, was not only a burning shame upon their brow, but a light to show what were their motives at this moment. The only way in which they interested the poor whilst in office was, by letting out the prisoners from the gaols. He alluded to the administration of Lord Normanby, for he begged distinctly to state that the administration of Lord Fortescue was not disgraced by any such miserable exhibitions. Now when they knew that the Irish peasant wanted faith in the law: that, in fact, he looked above the law; that he was accustomed to act on the spur of the moment rather than on any settled principle, unless they understood the extent to which those feelings prevailed, they could not perceive the deep and lasting injury that the Lord Lieutenant did to the poor—how much he was their enemy, and how short-lived and ridiculous was the popularity which he had courted at so high a price. From practical experience he would say, that he never knew any public man proceed so recklessly, so carelessly, and so profligately, he might say, as that nobleman. Why the Whigs had practically admitted this by themselves recalling him. The noble Lord (Lord J. Russell), and the Gentlemen sitting near him, might fancy, that by bringing forward the present motion, they had made a good party move; but he suspected that the views expressed on both sides the House in the course of this Debate had induced them to alter that opinion. The statements made on that side were in vindication of law, moderation, and wisdom, whilst amongst the noble Lord's Friends there was nothing but the greatest possible confusion and discord; it was chaos come again, the only one point of agreement being, that they should attempt as far as possible to turn out the Tories; and if they did not do that, which he knew they could not, who would they have in their places? He told the noble Lord that it was useless for him with his opinions now to hope to form a Whig Government. The Anti-Corn-Law League was something, the Repealers were something, but the Whigs everything in the time of the Reform Bill, prostituted themselves to become anything, and now were nothing. The Anti-Corn-Law League was something; it had a principle; the Repeal party, the Roman Catholic party, and the Radical party, were all something, because they had principles; but you Whigs—you miserable Whigs, still decking features that can no more attract a stated public, and fancying that you possess the charms of younger and better days, are the objects of that just derision which belongs to those unfortunate public characters who survive alike their beauty and their reputation. The hon. Member for Cork had told the Irish people not to trust to the English Parliament; he (Mr. S. O'Brien) re-echoed that advice. The hon. and learned Member for Cork also recommended Ireland to trust to herself; and in that he thoroughly agreed with him. They might annihilate the Church, they might sever the connection between the two countries; but he would tell them and the people of Ireland, that it was with nations as with individuals, that prosperity and happiness could not by any law be thrust upon them. That must be effected by every rank and class in society co-operating to teach and to practise order, subordination to the law, patient industry, a high tone of public faith and feeling. That alone would make a nation great and happy; while insubordination, agitation, though peaceful, and the summoning together of people from their ordinary course of employment, though strictly legal, would leave the nation where they found it, discontented and unhappy.

Sir *Thomas Wilde* thought it was necessary to call the attention of the House to

what was the real question before it, and which he was inclined to think had been somewhat obscured by the speech of the hon. Gentleman who had last spoken, however good that speech might have been. The Motion of the noble Lord was, that the House resolve itself into a Committee to consider the State of Ireland, and he thought it must have occurred to whomsoever had paid attention to what had passed in Ireland lately, that all question was precluded as to whether it were fitting such a motion should be presented to the House. He did not mean that Ireland had presented any new state, but that she had continued to be for the last year in a state so much resembling that unfortunate condition in which she had stood for a long period before, as to cast upon Parliament the imperative duty of most seriously considering her situation. Among the complaints of Ireland one was, that that House was indifferent to her real complaints and her real distress. While he thought that her condition had created an imperative demand upon the attention of the House, yet, considering the patient attention which the House had bestowed upon this debate, and which the right hon. Baronet at the head of the Government had paid from the beginning to the end, he must repel the accusation of want of attention to Ireland, on the present occasion. Complaints had been made of the length of the debate; but he did not think, considering the present agitated state of Ireland, that any time could be too long that was occupied in hearing what Members had to communicate from their experience and knowledge of her condition, as their suggestions for the remedy of the evils under which she was suffering. He had said that Ireland did not at the present moment, nor had during the past year, so far as he was aware, exhibited any new symptoms. Lamentable it was, when they considered the character of that country in regard to her soil, possessing every advantage almost that nature could bestow, and when they considered also the nature of her inhabitants, and the eminent persons in every department she had from time to time produced, lamentable it was to see that she was yet a suffering and distressed nation. It had surely become important to notice whether the evils under which she had lately suffered were new, or of that common character which had attached to her for a long period. If there should be found to be one common cause of the evil under which she suffered, it surely was imperative that the House should ascertain and well consider what was the course of policy by which she had been governed during the long period she had exhibited the same symptoms. It was quite obvious that the system of government which had been pursued had most unhappily failed in producing the only objects of Government—peace, good order, contentment, and prosperity. It was material to consider how that country had been governed, in order to see if there existed these results of good government. The result would show the fitness of a party to govern, and the soundness or unsoundness of the policy of a Government. If it were said that the evil arose in any part from the character of the inhabitants, he knew nothing more essential as evidence of the fitness or unfitness of a Government than to inquire into their ability—having had a reasonable period allowed to accommodate their Government to the character of its inhabitants. A Government which could not do that existed with little advantage to the country over which it presided. Whether that course of policy which had prevailed for a long time in Ireland was adapted to the character of the inhabitants, and had produced happiness, prosperity, obedience to the law, and contentment, no doubt could be entertained. In a distracted state of Ireland, the Union was proposed as a remedy for most of the evils that oppressed the country, Had the Union answered its destined purpose? If it had failed, could there be much difficulty in discovering why it had failed? Various schemes had been tried to allay the agitation in Ireland, and various attempts had been made with a view to ameliorate the condition of its inhabitants. All remedies had been tried but one. Good faith and justice had not been tried. The Union was not carried out in a manner likely to afford satisfaction to Ireland. The best of her sons, the most eminent of her patriots, had denounced that measure as having been accomplished by fraud, corruption, and intrigue. That the object of the Union was the good of England and Ireland—that the good of England was essentially connected with the maintenance of it nobody doubted; but neither was it doubted that by whatever means the Union was carried, the interests of Ireland were not properly protected, and that justice was not done to her. One of the pledged results of the Union was Catholic Emancipation, yet for twenty-nine years was it withheld. What Ireland com-

plained of was, that there had been an Union but in name; the promises made to her in the way of inducement had not been fulfilled; and that when Emancipation had been afterwards conceded, not under a sense of justice—it had not been rendered voluntarily; but the Government had felt itself compelled to grant it, in order to avoid evils they were afraid, and justly and properly afraid to meet. But Emancipation, like the Union, was in a great measure but a name. The Union had not given to Ireland Emancipation, and had not given to Ireland, that fair share of influence and authority in the management of her own affairs, which her station and importance entitled her to expect. The value of Emancipation, as had often been stated, consisted not in the removal of incapacity to hold public office and possess public trust, it was expected to bestow a fair participation in the honours and trusts of the State. Ireland stood in the anomalous position of having an Established Church, the members of which did not constitute one-seventh part of her population. It was surely material that a serious view should be taken of the complaints that Ireland was urging, and that the causes should be ascertained which kept her in the state he had referred to, and that the Government should be called upon to say what were the remedies which, under existing circumstances, they proposed to apply to evils of such long continuance. Surely this is not a call prematurely made upon the Government. Ireland had been under the management of the political party which now formed the Government for a long period, and he was entitled to say, that what Ireland now was, they had made it. It was under their system of policy, that Ireland had existed for a long time. With the exception of the comparatively short period when the Whig Government held office, the Tory party had had the control of that Kingdom. It was with them, therefore, that the responsibility rested of applying a system of government applicable to the character and condition of the country—it was to them, the want of judgment, in not giving advantage to her resources, and the means of happiness and prosperity, was attributable. When the Whig Government were in office, but likely soon to be removed, it was well known that Ireland was the chief difficulty which the right hon. Baronet felt he would have to contend with when he assumed the reins of power. Ample thought and consideration, therefore, must have been bestowed upon the state of Ireland, and the present Government, when they came into office, were expected—and justly expected—to legislate for Ireland. Two measures only had passed. While in opposition, as was justly stated the other night, the other side were active, constant, unremitting, and most vigorous in opposing all the measures which the Whig Government proposed in favour of Ireland. It had been complained that the Whig Government had done so little for Ireland. Now, he challenged any one to show that the Whig Government had power to do more than they had done. That their wishes were to do more—that their wishes were to act up to the principles which the noble Lord had avowed, and upon the policy he had detailed in his speech on the present Motion, no man could deny. The Whig Government had been taunted with withdrawing the Appropriation Clause. Had they voluntarily withdrawn it? Had they, as a matter of choice, forborne to carry it into full effect, or had they found themselves unable to carry it, as they had found themselves unable to carry other measures they deemed necessary for the public good by the effective resistance of the Opposition? During all that time, the Members of the present Government, then in Opposition, had continued to display the same spirit towards Ireland, which had been manifested by them before, in the years of her sorrow and distress and of theirs. What, then, could have been expected upon their return to power? It is clear that the most reasonable security for the peace of the country was the confidence reposed in the Government of the country. Could the Irish people receive back the present Government in the just expectation that their Administration would be carried on in a manner more consonant with the spirit of equity, and the claims of legislative justice, than their former policy had manifested. What were the taunts that were thrown out upon the concessions the Whigs had made to Ireland? Was it not notorious that the cry of the party was that concession had reached its limit, that no further concession could be made with safety to the Constitution, with safety to the Church, or with just regard to the interests of England? One feature belonged to the Government which had displaced the Whigs which could not be mistaken. Two of the most active and able Members of Earl Grey's Government were made Secretaries

of State in the present, but they were right hon. Gentlemen who declined further to co-operate with the late Ministry, because their measures were too favourable towards Ireland. Unfortunately for that country the only Members of the former Whig Cabinet who were admitted to form part of the present Administration were those who were conspicuous for their differences with the Whigs respecting their intentions towards Ireland. When, therefore, the present Government was formed, great anxiety must have existed as to whether those difficulties would not continue which it was supposed embarrassed the right hon. Baronet with respect to the Government of Ireland. What is the experience of the two years which have passed? That Ireland continues now as she had repeatedly been before—in a state which they were taught to believe was the verge of civil war. It had been announced in a manner perfectly intelligible, that Ireland was in such a state, that most serious apprehensions must be entertained for her peace and safety. And should they be told, under these circumstances, with Ireland in such a state, that the Members of the late Government were acting wrongly and erroneously in asking the House to review the affairs of that country, and to consider what had been the policy which had been acted upon and was likely to continue? It was said, that the matter was brought forward at an improper time; but all who knew anything of the political history of the country, knew that never had a motion been made for enquiry into the affairs of the country—a matter which naturally arose out of a disturbed state of things—but the Government of the time had proclaimed it to be a motion out of time. But was Ireland in such a state as to give a choice of time. What had they to wait for? Is there a reasonable prospect of a termination of the present state of affairs? The time which upon all occasions had been thought proper to bring forward a motion of the kind was when the country was in a state of agitation, when a system of policy had been pursued, incapable of relieving the country from the evils under which she was suffering. The Motion was, moreover, a constitutional and intelligible one; it asked the House and the country whether the policy pursued towards Ireland was wise in its principle and salutary in its effects? It asked, whether is that kingdom wisely ruled or woefully misgoverned? It was a Motion perfectly proper both in regard to time and object. Hon. Gentlemen taunt the noble Lord with anticipating that the Motion would be rejected. Be it so; the inquiry was not therefore the less imperative, nor were the facts which it elicited the less interesting. If the majority of the House were of opinion that the policy adopted, and likely to be continued, was good policy, every one interested in Ireland must be better satisfied that after such a convulsive period as last year, the House had had an opportunity of expressing an opinion on the subject. Now, if Ireland was suffering from the long continuance of specific causes—if the state of the Irish Church and of the Irish representation—if these and other evils that afflicted that country were of long continuance, how long, he would ask, were they to continue? The deplorable situation of the Sister Kingdom was manifest. Was it her fault, or was it yours? In either case have you a remedy at hand? If you have, when do you mean to apply it? Could it for one moment be pretended, that past experience did not show, that the course which had hitherto prevailed had produced the unhappiness that now afflicted Ireland? Did that course of policy which you had pursued so long, and which had hitherto failed, present any prospect of answering better in future? Had Ireland received satisfaction upon any subject, which, by any reasonable man, could be considered to be a redress of the evils that afflict her? It was on all sides admitted that the Irish Church was at the bottom of all the unhappiness which Ireland suffered. That it was an eternal source of hatred and discord as in the nature of things it must be. Was any remedy proposed to be applied? If they continued the Irish Established Church, how could they expect that the remedies addressed to other evils could result in giving satisfaction so long as this great evil remained unredressed. What was there in the present condition of Ireland which should lead the Government to suppose that any remedial measures could be successful while that leading grievance remained unredressed? There is no ground for such expectation; he would say, therefore, that in proposing other measures to meet the difficulties that existed, they would wholly fail. Every one was agreed in the necessity of the maintenance of the Union for the sake of the peace and prosperity of the two countries. The present Government have declared that they were ready

for civil war rather than repeal the Union. Pray, might he ask, if Ireland was so circumstanced that they could not grant her that which she deemed essential for the peace and prosperity of the majority of her inhabitants, and that they were prepared to maintain the Union by a civil war, might he ask how long it was to be carried on? For what period of time did they suppose that the Christian inhabitants of Great Britain would endure a state of civil war? Ireland said, "Give us our due share of influence and authority in the Government. Do not keep an Establishment in the condition in which it now is, so wholly unsuited to the object of an Establishment. If you tell us that there are circumstances in the Union which prevent you granting us our just demands, then we have a right to ask what is to be the result? Repeal the Union—that Union ought no longer to exist than for the happiness and prosperity of both countries." Ireland says, "You have pretended to form a partnership, but you monopolise all power, and when we call upon you to do us justice, and give us a due share in the prosperity of our joint affairs, or terminate the compact between us, you tell us you are prepared for civil war rather than dissolve the partnership." If this partnership was to continue only on these terms, then that agitation so much complained of, must also continue, that agitation which you once feared, and under the influence of which fear, you granted Emancipation. If (said Sir T. Wilde) you do come to civil war, will the English people shed the blood of the Irish for the purpose of maintaining that Union because it may be of advantage to England? What would be the character of England in the eyes of Europe during the continuance of a civil war arising out of the claims such as Ireland urges? Why did you grant Catholic Emancipation? Because you could not withhold it. Why do you wait until such a period, before you enter into a serious consideration of the justice of her present demands—before you enter into consideration whether it is necessary for the preservation of the Union, with advantage to both nations, that you should withhold from her those measures of justice which she so imperiously requires? I do not apprehend that there is any real desire on the part of any of the Irish people for a disunion of the Empire. Beyond all doubt, however, much as the advantages of a local legislature and a resident aristocracy may be exaggerated, Ireland must derive advantages from a Union with England more than commensurate with all those advantages. But if the Government are not prepared to show how Ireland can be put in a state of prosperity, consistently with the maintenance of the Union, by an alteration of their present policy, it is most important, that the country should consider what are the results likely to flow from such a state of things." The alterations proposed by Her Majesty's Government appeared to him much too inconsiderable to contribute to any such result. The want of confidence of the people of Ireland in the present Government was of itself sufficient to prevent any such measures being attended with the benefits Her Majesty's Ministers appeared disposed to expect to flow from them. When speaking of a want of confidence, he did not allude to that portion of the people who might be called the "last remnant of a dying faction," but he referred to that large portion of the people of Ireland who were interested mainly in the subjects of complaint. That portion of the people there was no reason whatever to suppose could entertain confidence in the present Government. The evil, therefore, was, that what was tendered by the present Government must be received with suspicion, and that less contentment was likely to flow from it than if the same measures had been offered by those in whom the people had more confidence. Now, in this state of things, what had been the results of the Ministerial policy for the last year? Ireland had been the theatre of meetings which they were led to suppose had excited the greatest alarm. Did the Government entertain alarm at those meetings? He presumed they did not. The hon. and learned Gentleman (Mr. O'Connell), who was the means of calling these meetings professed, from the first, that he did not mean to countenance any breach of the law—and he took care that none should be committed. If, notwithstanding this the Government —in Ireland and in England—were, nevertheless alarmed at the meetings which were held — and if these meetings were regarded as illegal, as in the other House of Parliament they were declared to be—what had been the policy and course pursued by the Government? Could any man imagine why, if such was really the opinion entertained of those meetings, the Government did not interfere to stop them? Did the House ask him how this could be

done? Why how, he would in return demand, had the Government stopped them at last? Had they any difficulty? Did Mr. O'Connell manifest the sincerity of his previous declaration of entirely peaceable intentions when the Government attempted to stop the meetings? Did he show that his declaration was inconsistent with his real intention? If these meetings put a nation in alarm—if it be imputed to them, that though professedly held in order to consider public grievances and obtain remedies for them, they were in truth held for purposes hostile to the peace of the country—why, he would ask, did the Government permit them to continue for nine months? The moment the Government issued their proclamation, at that moment they ceased, the individual who had been instrumental in calling them, felt it his duty to use his utmost exertions to repair the fault of the Government, to make up for their delay, and to prevent that public mischief which the remissness of the Government, if the previous meetings had been really dangerous, had very nearly brought upon the country. From the moment, then, that the Government issued its proclamation, the object sought by it was obtained. What reason, then, had the Government to suppose, that if such a proclamation had been issued earlier it might not have saved all those apprehensions which had been experienced from the holding of these meetings? Was it to delay your hand until you could catch a political enemy? You were willing to permit the spirit of rebellion to arise to any height—meanwhile preparing your troops to put it down by violence when it should break out into open acts—you were willing to permit discontent to engender itself in the minds of millions—and hazard all the consequences of its continuance and its contagious effects, merely that you might have the opportunity of sending your reporters to catch an inflammatory and unguarded sentence uttered here and there by a political opponent against you. Was that a dignified or a decorous course of policy for a Government to pursue? I apprehend, that there has never been any Government more sensitive than the present of the danger to result from public meetings, and if they really had felt alarm at these meetings, as being incompatible with the public safety, they might have prohibited them from the first. What was to prevent them? Did they do anything which would lead the people of Ireland to suppose that these meetings were objectionable? On the contrary, the acquiescence of the Government by inaction, induced them to believe, that the meetings were perfectly legal. What was the effect? The inducing them unguardedly and unsuspiciously into attending them, when, but for this conduct on the part of the Government, they never would have attended them? Looking at the law as it had been laid down by the Judges of the Queen's Bench in Ireland, what an awful responsibility, what serious complaints might be urged against the Government, when it was laid down from that Bench, that a man who attended the last meeting might be taken to have adopted all the meetings that had been held before for the last nine months, thereby bringing upon himself an accumulated responsibility, that no one would have incurred but for the conduct of the Government? A man witnessing these meetings for a long period unobstructed, believing that they were perfectly innocent, was induced to attend one of them; and then, when arraigned at the bar of justice, he found himself charged with the adoption of all the violent expressions which had been used at all the previous meetings—expressions which subjected the party to a very serious prosecution. This was a matter of very serious complaint against the Government. From what had taken place, the inference by the Irish public would be, that all this was permitted to go on with all the hazard of consequences for the purpose of getting hold of a certain few individuals — perhaps one among them was their great and only object, in the hope that he might fall within the trammels of the law, and become a victim to a resentment arising from a long course of political hostility. He could not comprehend the course which was taken by the Government in respect to the issuing of the Proclamation. It was announced that the Clontarf meeting was to be the last of the great meetings held for Repeal. It was, however, stated that the Government had reason to believe that that meeting was not to be the last. How came it, then, that the Lord Lieutenant and the Lord Chancellor happened to be at that particular moment absent from Ireland? If it was believed by the Government that five or six meetings more were to be held—in such a state of things, ought the Government of Ireland to have been left for the space of more than a week without the presence of either the Lord

Lieutenant or the Lord Chancellor? Ought both these high official personages to have been in England at such a time? They had received information that a great meeting was about to be held of a most dangerous kind—ought they to have received that information in England or in Ireland? Was it showing a proper degree of watchfulness and care, for the protection of the Irish people, when they anticipated that such a meeting was to take place? Could it be excused for a moment? Was it consistent with the proper vigilance on the part of the Government, that no Member of that Government, who was competent to act, was in Ireland for a whole week, at a time of this supposed great danger? But look at the last meeting. Information was said to have arrived in England that a Repeal meeting was about to be held on the following Sunday at Clontarf, and that they had procured a document calling that meeting, which somebody had issued, containing certain military terms. On Monday the Government took this document into consideration —that meeting was adjourned till Tuesday. Then came another hand-bill from Ireland, in which there occurred a change in certain of the terms used—the word "troops" having been changed into "groups," and the question then raised by the Ministers was, whether they ought or not to interfere and stop the Clontarf meeting. Day after day the consultations went on, and at last the Lord Lieutenant and the Lord Chancellor were sent away to Ireland, not with any proclamation, but with discretionary instructions. The Ministers could not profess not to know the character of the meeting to be held, and of the persons who would attend it. They had full means of knowledge. How ridiculous, then was it to say that, having these hand-bills before them, the Ministers were unable, without further explanation, to make up their minds for several days, and it was not until the close of the week that they determined upon their course in regard to a meeting which, according to their professed conviction, was one full of danger. Did ever a Government upon such an occasion stand before the public in so extraordinary a light? They knew that the parties calling the meeting had declared their determination not to violate the law, and the people, it was also well known, did not contemplate violence. Nor did he really believe that the Ministers conscientiously expected any violence or outbreak. An appearance of alarm was, however, to be assumed; but, as if to show how little real apprehension was entertained, it was not until Saturday evening that a proclamation was issued by the Government restraining the Clontarf meeting. The House were to be told, too, forsooth, that the Irish Government found great difficulty in preparing the Proclamation, which he should think, as was said to Mr. Addison when he complained of great difficulty in writing a despatch, that any attorney's clerk would draw up in ten minutes. That was another excuse. What was the result? The meeting was prevented; there was not the slightest appearance of alarm, or indication of an intention to violate the law, and the meeting was prevented by Mr. O'Connell without the least outbreak or breach of the peace of any kind. The Government had thus full experience that the professions of peace made by Mr. O'Connell were not colourable; that his professions of his intention to obey the law were sincere. He should have thought, considering the way in which the Government had stood by, that after having seen what had been the effect of the proclamation, the soundest policy would have been to have rested content, without instituting subsequent prosecutions. They might have waited to have seen whether there was any further intention to agitate that country in a manner dangerous to its peace. But no; after nine months acquiescence, they made up their minds to prosecute Mr. O'Connell; and now, when that prosecution was arraigned, was impugned, and when their policy was challenged, as unfitted and unsuited to Ireland, the House was asked what law had they (the Government) violated? The right hon. Gentleman (Sir James Graham) said, "I am not defending a Coercion Bill." Had the right hon. Gentleman any objection to defend it? He was a party to its having passed; he was a Member of the Government which passed it. He should have thought, that as the right hon. Baronet was a party to the passing of that Bill, he would have been prepared to defend it. It ought not to be forgotten, that the Whigs came into office after a long course of Tory misgovernment; they could not remove in a short time, the evils which had been fostered for many years. The right hon. Baronet had, however, said, that he was not called upon to defend a Coercion Bill. True, but he (Sir T. Wilde) would venture to say, that it was much easier to defend a Coercion Bill than the late prosecution. He would venture

to say, on the authority of every man who had considered the subject, that a Coercion Bill, or an Arms Bill, suspending a part of the Constitution, and, to a certain extent, encroaching upon the liberties of the people, but which being only a temporary measure would expire, and inflict upon the Constitution no farther wound, was less objectionable than to stretch and strain the law, as in the late prosecution, and so to leave it hereafter to be used, on the warrant of the example of the present Government, for the utter destruction of public liberty. Look at the various temporary measures, including the Arms Bill. He hoped that Ireland would be the better for them; but better or worse they would come to an end, and the general liberties of the country remain unhurt. But the late prosecution would remain as an evil precedent for any tyrannical government, as a pattern for future Ministers with much worse intentions than he was disposed to attribute to the right hon. Baronet. If Mr. O'Connell had uttered seditious speeches—if, by his writings, or by other means, he had excited the people to discontent and disaffection in a manner not warranted by law, let him be indicted for it. If he had attempted to overawe the Government, let him be indicted for it. He was amenable for his acts; but it was most improper to twist them all into an indictment for a conspiracy, and to establish a precedent, which at some future period might be employed to prevent legal meetings for the redress of public grievances. The Solicitor General had said last night that some such indictment had been prepared during the Government of his noble Friend (Lord John Russell), but his hon. and learned Friend was a most dexterous advocate. It was true, that the same form of indictment had been in use for many years; but all Westminster Hall admitted that it was a disgrace to the law and that it was oftener used for bad purposes than for the punishment of real guilt. That form of indictment had been employed for a long course of time, but never had it been applied to such a purpose as on the late occasion. The indictment prepared during the late Government was not for constructive conspiracy, by which one man might be convicted for the acts of another, for speeches which he had never heard, and for paragraphs in newspapers he had never read, but was for open acts of conspiracy followed by acts of gross illegality. He appealed to the Attorney General whether this form of indictment, applied to the late prosecution, had not been stigmatised by the profession as long as he had known it. Whoever attended to the form of that indictment, followed up by the law as laid down by the Lord Chief Justice, would be fully aware of its character. It charged Mr. O'Connell with having conspired with certain other persons to produce discontent and disaffection; that he conspired with others to call meetings, and by the exhibition of physical force to overawe the Legislature. The law laid down by the Lord Chief Justice was, that persons associated and combined to effect by their joint efforts an illegal object, or by illegal means to effect a legal object, were guilty of conspiracy. He (Sir T. Wilde) did not except to that law; he did not except to the application of that law; but he complained that the summing-up of the learned Judge, left the Jury in a state of perfect confusion, as to what were illegal means or illegal objects. Have the people of England, he would ask, a right to meet to discuss grievances? Could grievances be discussed with any effect, without exciting discontent? Was it the privilege of the people to meet only for the excitement of content and affection? Discontent and disaffection might, it was true, be excited by illegal means, and it required great care on the part of the Judge to point out to the Jury, the limits between the degree of discontent and disaffection that might properly and legally be excited within the privilege of Englishmen, and essential to the safety of constitutional liberty, and between the degree of discontent and disaffection that might not properly and legally be excited. He stated in the face of his hon. and learned Friends, the Law Officers of the Government, that the indictment against Mr. O'Connell was a perfect indictment for high treason. It charged him with conspiring to call a meeting of great numbers, and by the exhibition of physical force to overawe the Legislature, and thus to procure an alteration of the laws of the country. On the trial of Lord George Gordon, Lord Mansfield said, in so many words, "to attempt by numbers to overawe the Legislature, to procure a change in the law, is High Treason." In the case of Mr. O'Connell, it was followed by Overt Acts, so that it was a complete and perfect indictment for High Treason. What had been done regarding the Poor-law? What had been said and done on that subject by hon.

Members, and by one of the leading Journals of the country? What had not been asserted in placards, and in speeches by Mr. Oastler? Was it not to excite the ill-will of Her Majesty's subjects, and to set one class against another? Why were not they indicted? Read the articles of the *Times* newspaper — read Mr. Oastler's speeches. They were as violent as could be made, and some Members of this House, as ardent as they were sincere, had not scrupled to follow the example. The law under which Mr. O'Connell had been indicted, would have convicted every one of them of conspiracy. Look again at what had been said on the Slave-trade, and on various other public measures, where the ill will of one class of subjects was excited against the other. Mr. O'Connell had said to the people of Ireland—

"The people of England have unkind feelings towards you; they are not disposed to consult your interests; they have oppressed you for a long series of years, and they have no sympathy with you, and do not legislate for your benefit."

Had he a right to say all that? Had he a right to show the people of Ireland that they ought to petition Parliament for a Repeal of the Union? Had he a right to use arguments? Why, it was setting the people of Ireland against the people of England. He is indicted; and what does the Lord Chief Justice tell the Jury?—

"It is true that the indictment contains certain overt acts: but not one of those overt acts need be proved, for the crime consisted in the agreement, and not in the acts."

The Chief Justice went on to say:—

"You may infer an agreement if you see persons acting in common; if you find a newspaper writing an article in favour of Mr. O'Connell, and reporting his speeches, you may use that against the newspaper to prove that it is conspiring with Mr. O'Connell, and you may use Mr. O'Connell's speech as evidence that he has conspired with the newspaper."

Nobody can approve of the language of Mr. O'Connell; no man can approve of the meetings he called, because they did not appear necessary to effect a good and *bona fide* object. They were undoubtedly dangerous, not from any intention on his part to break the peace, but from the fact, that so many were assembled that no man could say the public peace might not be broken. He disapproved of Mr. O'Connell's references to old stories of English oppression, for the purpose of leading to the conclusion that the Irish ought to obtain the Repeal of the Union, just in the same way that he disapproved of the references by others, to Fox's Martyrs, for the purpose of raising a prejudice against the Roman Catholics. One was just as unfair as the other; but nobody had thought of indicting the gentlemen who had quoted Fox's Book of Martyrs, depicting the horrors of Popery and of Popish persecutions. What England had to beware of, was the manner in which the law had been violated and perverted, which hereafter might be drawn into precedent, for the purpose of stifling the public voice when making a just and constitutional demand. An indictment for meeting to excite discontent and disaffection, was most dangerous, since under these vague terms, it gave to Government a power which could be used for the worst purposes, and threw upon it the gravest responsibility. He had referred to that part of the indictment which charged an attempt to overawe the Legislature, and it seemed to him as gross a perversion of the law as could be imagined. Lord George Gordon assembled 20,000 persons in St. George's Fields, and they came in a body to the lobbies of the Houses of Parliament, and personally threatened the Members, so that the House could not proceed with its ordinary business. He was indicted for an attempt to overawe the Legislature, and in that case, there was an apprehension of personal violence; but in the case of Mr. O'Connell, who could allege that there was any such danger? The Channel intervened, and Parliament was not sitting. An apprehension from physical force directed against Members was the sort of overawing of the Legislature that was contemplated. The creating a fear of distant rebellion was not an overawing of the Legislature. He was ready to meet any man upon that point, and with regard to overawing the Legislature by an exhibition of numbers, he begged to ask the right hon. Baronet (Sir Robert Peel) for what reasons he had proposed and passed the Act for Catholic Emancipation? Had he not brought it forward on that express ground? Could people send their opinions to meetings, and leave their bodies at home? What numbers were to be held sufficient to

overawe the Legislature? Was a Lord Mayor's Show, or a Queen's Coronation an illegal Meeting on that account? The numbers must be so great as to excite alarm in reasonably firm minds. An hon. Member who had spoken with so much eloquence last night, had asked, what alteration of a public grievance had ever been obtained but by agitation? Would Government alter that of which nobody complained? Every Government ought to be naturally conservative: for the sake of the people it should be conservative of the national and free institutions of the country: therefore it would not alter that with which the people were well contented. With great respect he thought that the right hon. Baronet had required too great a display of hostility to the existing law when he granted Catholic Emancipation; but although it was not fit to wait until rebellion was at the heels of the Minister, yet it was little short of absurd to talk of overawing the Legislature on the other side of the Channel, and at a time when Parliament was not sitting. Was the Legislature to be overawed by any thing that passed in Canada any more than in Ireland? That was not an overawing of the Legislature within the meaning of the law. The Solicitor General had stated last night that the noble Lord (Lord John Russell) had said, that he understood the original law of conspiracy applied to private conspiracy to charge men with crime. That was perfectly correct: but the noble Lord had added, that if the principle had been since extended by judge-made law, the present circumstances of society, at least, required that the law should be administered with great care. Was it not indisputable that by judge-made law, by what was called Common Law, all the rights of Englishmen might be swamped. It brought to his recollection an anecdote in Roger North's "*Life of Lord Keeper Guildford.*" It was made a matter of complaint, he says, against King James, that he had consulted too much with Judge Jefferies, because he was a violent man, that it was quite unnecessary, since all the King required, let it be what it might, could be done at any time by law. If a profligate Minister wished to destroy the liberties of the country, it might be accomplished merely by what was called the Common Law of the land. What had been the course pursued? He could not better describe it than he found it described in a Conservative journal in the following words:—

"By far the most cogent objections to the prosecution of 'O'Connell and others' have been based upon the confused and cumulated character of the charge. If, say these objections, Mr. O'Connell had been prosecuted for alleged sedition uttered by him at some specified time and place, or at several specified times and places, and if, similarly, the other traversers had been charged merely with their own alleged words or acts at times and in places distinctly particularised, the prosecution would have been a fair and intelligible one, to which no reasonable man could have objected. But when you mass together the speeches and acts of eight or nine individuals —when you involve in one common charge these eight or nine individuals for words spoken, or things done, at meetings where sometimes one was present, sometimes another—if you charge a newspaper proprietor with the mischief done at meetings where he was not, and in the same indictment charge a popular orator with the guilt of newspaper articles, which are not alleged to have been written, or even read by him, you make up so confused and worthless an accusation as ought not to be brought against public men in this country of free institutions and exact law, and you make an accusation by which, even if you obtained a verdict, you obtain no moral conviction of the traversers at their country's bar. We must confess, that with no predisposition in favour of the accused, we have thought that there was no little force in such representations as this; and we have wished that it had been the part of the Crown to prosecute each individual for a specific offence, rather than to prosecute the whole for an offence made up of the aggregate of the sayings and doings of all of them."

He (Sir T. Wilde) repeated, that every one of the acts used in this circuitous way, in order to prove the supposed conspiracy, were acts which might have formed the subjects of distinct indictments. If the design had been to put down agitation, and to punish Mr. O'Connell for illegal acts, that might have been accomplished without any such form of indictment as that which had been employed. Each individual might be made responsible for his own acts. When they recollected that the press existed only by giving details of interesting events, that it gave reports of speeches which were vio-

lent, as well as those which were pacific, it was not every violent speech so reported which would affect the public safety. The editors commented upon the speeches, and the comment went with them. He said, that in what had taken place—when he heard a charge of conspiracy brought forward and supported in its legal import by evidence that persons have combined to effect legal purposes by illegal means, and when he found that these illegal means were not the speeches of each, but the speeches of one delivered in one place, and not heard by another, and the speeches of another elsewhere, never perhaps read by another, the law of conspiracy was grossly wrested, by allowing its general principle to be applied to such a case, and by permitting articles which one never wrote or read, and speeches which the other never heard, to be received in evidence against each, in order to obtain a conviction for conspiracy. Of course, if persons in private agreed upon several modes of action to carry on their conspiracy—if at the meetings the conspirators did not admit strangers, they might prove the conspiracy by the different acts and sayings of the different persons at various times and places. They might find persons so acting like those in the O. P. riots at the theatres, wearing cards with O. P. inscribed upon them in their hats, and joining in tumultuous and disorderly interruptions of the performances. Here the O. P. in the hats showed the object. They might from these facts infer the concert, and the prior understanding to hiss; but when they said that individuals acting at a public meeting for one common object thereby gave evidence of a previous combination, and treated this as a public conspiracy, he said, that there was a perversion of the law of conspiracy. They might as well contend that if the pit united in one common hiss, they were all guilty of conspiracy. He said, that the jury here did not understand the difference between persons at public meetings making violent speeches, each acting upon his own impulses, and the necessity of believing, in order to convict of conspiracy, that each had come there by agreement. It was not necessary, in order to establish a conspiracy, to prove an actual agreement. They might find persons one day assembling with certain emblems, and uttering certain sentiments, and they might find the same, with others, assembling the next day with similar emblems, and uttering similar speeches, and hence it might reasonably be inferred that there had been an agreement. Here, however, the distinction had not been taken. In the first place, the Jury were told expressly that no one of the formidable acts set forth in the indictment need be proved, that the crime was perfect when there was the agreement, and then they were told that this agreement might be inferred from the acts themselves. They were told at one moment that the acts were an unnecessary part of the proof, and then they were referred back to those very acts as the ground from which the case was to be inferred. It nowhere appeared that the Jury believed it necessary to come to the conclusion, that all the persons acting together, and having one common purpose to induce one common view, were under a common agreement, to be inferred from their common acts. He said that this indictment would exclude that expression of dissatisfaction and disapprobation of the Government, which was an English right. But how had this indictment been prosecuted? He did arraign the conduct of the prosecution most seriously. He was not disposed to say anything unkind, ill-natured, or disrespectful of the hon. and learned Gentleman who filled the office of Attorney General for Ireland; but he found it his duty to urge most seriously his complaints against the conduct of that prosecution. He said that the Government were implicated in that conduct—he used the word Government, not as meaning individual responsibility, but the general responsibility of all Ministers. He wished to state everything with the utmost fairness and frankness, and in his opinion Mr. O'Connell had had no fair trial. His learned Friend the Solicitor General said last night, that this was no proper place to enter upon the discussion how far the verdict was consistent with the evidence, and he (Sir T. Wilde) had taken the liberty of cheering that declaration, and then, having said that it was improper to discuss this question in this House, his learned Friend defied any Member to get up in his place and declare that the verdict was not consistent with the evidence. He had recently heard some entirely new constitutional doctrines in that House. He was happy to see the noble Lord (Lord Stanley) in his place, because he should be happy to know where the noble Lord had learned the constitutional principle that it was indecent in any lawyer in that House to inquire into the conduct of the Judges? And then it was laid down by his learned Friend the Soli-

citor General, that there were certain Acts of Parliament which the people had no right to meet and discuss. He said it with all possible respect for the noble Lord, and for his learned Friend, that more outrageous and unfounded doctrines he had never heard. Pray, what was the first duty of the House? It was to watch the administration of justice. They had once in that House—he knew not whether the form was still preserved—a Committee of Justice constantly sitting. What was that for? He said, with all respect for the noble Lord, that it was the especial duty of that House to watch the conduct of the Judges—not, indeed, indecently to arraign them for trifling matters, but in the present proceeding the public were deeply interested, and it involved the respect for justice itself. The object of a conviction, so far as it was to operate on the individual, was to regulate his future conduct, and they would never accomplish that if there were no respect entertained for the Judges. Therefore, although he admitted that it was improper incidentally in that House to make remarks on the conduct of the Judges, as likely to lessen the confidence in their character among those who were most frequently coming under their jurisdiction; yet he must say that in a case of this sort, where the question was, whether the Government had or had not committed a great error in this prosecution, the House must have under its consideration the question whether the parties were properly convicted. The noble Lord and the right hon. Baronet had talked loudly of the vindication of the law—but when they set up the vindication of the law, was every mouth to be stopped which sought to show the profanation of the law?

This was not an ordinary case; there were some parts of it which he hoped would meet with a searching inquiry; they involved a suspicion, and something more than a suspicion of unfair practices. Without inquiring into the conduct of the Judges, how were they to know that the dignity of the law had been vindicated? Were they to take it for granted? The noble Lord, however, would excuse him, though he was a lawyer, for entering upon the conduct of the Judges. It was strong language to charge any Member of that House with indecency in commenting upon such conduct. Why were lawyers to be excluded from such an examination? Was it because it was supposed that they knew something about it. Mr. O'Connell's case mixed largely with the public interests. Whatever good or whatever evil had been done depended upon the character of the prosecution: if in the prosecution of Mr. O'Connell they had profaned the temple of Justice—if they had done this while accusing him of inciting the Irish people against the law, they would have incited them with infinitely greater effect by destroying the confidence of the Irish people in the administration of justice. The learned Judge who had charged the Jury had laid down a definition of the law of conspiracy, which was perfectly correct, and it received the concurrence of all his learned brethren on the Bench; but this concurrence in the statement of the law had nothing to do with what had been laid down by the Judge in the course of summing up this case. He felt it his duty, with all possible respect, though his expression might be considered as tending to disrespect, to say that this was a most extraordinary summing up. He would ask, whether it was not more like the speech of a counsel; whether it was not deficient in all that belonged to the proper office of the Judge—yet redundant of the duty of the counsel. He would call the right hon. Baronet's attention to this circumstance: a part of the case was a charge of uttering certain expressions with a certain intent. Well, the prosecution selected certain passages from certain speeches, and they were called upon by the defendants to read the whole of the speeches which qualified the selected passages; the question then was, what did the speech mean—would it bear the test of the sense imputed here and there? And the time of that trial was principally occupied by the reading of sentences of speeches other than what the Counsel for the Crown had read; and yet not one of those sentences, read as evidence for the defendants, was summed up by the Judge. The learned Solicitor General had got the passages printed upon paper; he read them in his reply, and as he read them the learned Judge said, "Hand that up here," and up went those several pieces of paper, and they were afterwards read to the jury. The aggravated passages—those words which were considered most violent—were read without any qualification to be found in the other parts of the speeches, and which had been equally put in evidence.

He (Sir T. Wilde) laboured under the infirmity of believing that great injustice was done to criminals by their accusers

having the last word. Let ever so powerful a speech be made for the defence, and be followed by the reply and the Judge's summing up, he would say that, in any case, but especially in one like this, if jurors had not been in the habit of hearing and analyzing speeches, and those mitigating or exculpatory paragraphs having only been read in an early part of the trial if the summing up occurred a long time—say a fortnight—after the passages softening down the objectionable phrases had been read to them, they would be forgotten. If no distinct direction had been given as to what was legitimate agitation—if no boundaries had been shown—if there was no direction how to distinguish that right which ought ever to be most narrowly watched—the right of free discussion—he would ask as to Mr. O'Connell, or any one else who addressed his countrymen over a period of eight or nine months, on subjects in which they were deeply interested, feeling as Irishmen always feel when they talked of their country, what the result would be. Look at many Members of that House. Take for instance, the noble Lord opposite—would any one out of doors dream of the high respect in which he was held in that House, when they regarded only some of his expressions. But if the Judge read those parts of a speech which were relied upon in a prosecution by the Crown, and omitted the others which qualified them, and which were equally relied upon by the defendants, what would a jury remember of them after a lapse of a fortnight? Nothing, whatever. He would pray the attention of the right hon. Baronet to the tone of the summing up of the learned Judge—to the manner in which the strong passages in the speeches were put to the jury. "The Rev. Mr. Tierney, attended at one of those meetings—did he adopt all that had gone before—but he had a little pet meeting of his own." That was the mode in which the strong passages were summed up. Was that the way to vindicate the law? Was that the mode in which justice was to be vindicated, and the dignity of the law to be preserved. He was mistaken if much did not remain to be discussed respecting that trial. He took it for granted that the verdict would not be allowed to stand without being impugned in the proper quarter. He took that to be a misdirection which was a non-direction. But that was not all—the House had been managed by some dexterity to be brought to some degree of conciliation as to the composition of the jury, which, he thought, stood in a very peculiar predicament; and he begged to call the attention of the learned Gentleman, the Attorney General for Ireland to this part of the case. He must say, with all respect to him, that he grossly mistook that which was the interest of the Government in the conduct of that prosecution. First of all, there was considerable ambiguity in certain parts of this case. The old Jury List was thought perfectly inadequate to give the means of a fair trial; the traversers, therefore, took means to have the lists made up for the year 1844. It was the duty of certain parish officers to make returns of the persons qualified to act as jurors in their districts. The right hon. Gentleman the Recorder of Dublin had the duty of ascertaining that all the persons who were properly qualified were inserted in the list, and no others, and when he had got that list it was his duty to distinguish the special from the common jurors. Some remarks had been made in respect of this case having been tried by a special jury. He was never so surprised as he was at the boldness with which the right hon. Baronet stated that this was a special jury out of mercy to the defendants. If he (Sir T. Wilde) had said so in Westminster-hall, everybody would have laughed in his face. It had been said, that if the defendants had been tried by a common jury the prosecutors might have put the jurors by as they pleased, and the defendants could only have challenged for cause assigned. He (Sir T. Wilde) said they could not put them by as they pleased. If, in their panel of seventy-two jurymen John Thomas had been called, and they said, "Let him stand by," how long could they have gone on in that way? They dared not do it, and it was because they dared not that they had chosen a special jury, as they could strike off their twelve men in a private room, and they must challenge a common jury in open court. They could not have had a common jury, too, because they were determined to have no Catholics, which they could not have avoided if they had had a common jury. This was dexterously and designedly done for the purpose of sending Mr. O'Connell to conviction. These lists were sent to the Recorder, who, it appeared, went through them, marking those who were entitled to serve as special jurors from those who were entitled to serve as common jurors. This was important to the case—there was much anxiety

about it, and the right hon. Gentleman in settling the Jury List was attended by counsel, and application was made by the traversers to see the list as soon as it was completed. [Mr. *Shaw:* That is perfectly untrue.] He (Sir T. Wilde) did not, of course, for a moment doubt what the right hon. Gentleman said; but he would rely upon the affidavit. [Mr. *Shaw* here made some observation which did not reach the gallery.] He (Sir T. Wilde) did not know whether the right hon. Gentleman was apprised of any individual affidavits having been made. He did not know whether he had been absent from Ireland during the trial or not. ["*Hear, hear,*" *and laughter.*] But the affidavit of the attorney stated that he applied at the office for the lists. The answer which was given to the application for the list was, that the right hon. Gentleman the Recorder had gone to England, and that he had taken with him the documents necessary to make out the lists. The affidavit to which he alluded was the affidavit of Mr. Mahoney, the solicitor for the traversers, and he should read it to the House. [Here the hon. and learned Member looked amongst a bundle of papers for the affidavit of Mr. Mahony, but was unable to find it.] He thought he had the affidavit with him, but he could not then find it. However, he was able to state to the House what that affidavit contained. Mr. Mahoney stated in that affidavit, that he applied to the proper office for a copy of the lists of the jury as revised by the right hon. the Recorder, and the answer he received was, that the right hon. Gentleman had gone to England, and had taken the lists with him, or the papers containing the names of the jurors; and that for want of those papers the clerk could not make up the copies of the list which the deponent applied for. The duties of the Recorder in revising the lists were performed in November, and yet copies of those lists could not be obtained sooner than the 29th December, in consequence of the Recorder having carried with him the papers necessary to enable the clerk to make them out. When the special jurors were selected, forty-eight names were balloted for, and when they met to strike the forty-eight, some question occurred respecting the lists, which were afterwards complained of, as not containing the names of several whom the right hon. the Recorder had marked as qualified. A contest arose on that subject; the striking of a special jury proceeded under a protest, and an application was made to the Court of Queen's Bench to have the panel quashed, on the ground that the special jurors' lists from which the names had been taken were imperfect, in consequence of the omission of certain names of persons qualified to serve. In support of this application to the Court of Queen's Bench to quash the panel, an affidavit was made by the solicitor for the traversers; and in answer to that, an affidavit was put in by the Crown Solicitor: the affidavit in support of the application to quash the panel was made by Mr. Mahoney, and that in answer by Mr. Kemmis. Mr. Mahoney stated in his affidavit that he attended in the Recorder's Court during the revision of the lists, from the 14th of November to the termination of the revision on the 23rd of November, and in the meantime the Attorney General moved to have the trial of the traversers brought on upon the 11th of December, after which an application was made on the part of the traversers to have their trials fixed for the 1st of February, and amongst the grounds for that postponement of the day, on the part of the traversers, the imperfect state of the special jury list for 1843, was put forward in support of the application, only twenty-three Roman Catholics being named as qualified to serve as special jurors. The court ordered the trials to be fixed for the 15th of January instead of the 11th of December, and the affidavit stated, that the defendant believed the cause of that postponement was the state of the jury list. It had been understood that the special jury was to be taken from the list of 1844, when the revision terminated on the 23rd of November: and that that revision having terminated, the Recorder ought to make a list of the persons qualified to serve, and deliver that list to the clerk of the peace, who ought to copy it into the jurors' book, and deliver that to the sheriff, so that it should be in operation on the 1st of January. The deponent stated that he frequently applied to the clerk of the peace, in order to obtain a copy of that list so made out, but he was informed that the Recorder was in London, and had taken with him the several documents necessary to make out the jurors' list, the copy for which the deponent applied. The jurors' book containing that list was not delivered, he was informed, till the 29th of December, and next day the clerk of the peace caused the jurors' book to be furnished to the sheriff. Now he (Sir T. Wilde) would ask, was the business of the

clerk of the peace's office properly conducted in Ireland if, when it was necessary that a list of the special jury should be made up, the person who applied for a copy of that list was told, that it could not be furnished, as the Recorder was absent, and that he had with him the papers necessary for making up the jurors' book. [Mr. *Shaw:* Not the lists.] The documents necessary for making out the lists, it was stated by the Clerk of the Peace, had been brought away by the Recorder; and when the application was made by the solicitor for the traversers for a copy of the list, the reason assigned for the copy not having been made out, was, that the Recorder had with him the documents which were necessary to complete the copy of the jurors' list. Now, of all the juries that ever were constituted, there never was one which it was more important to have free from suspicion than that jury. How then could it be that the persons in that office invented that statement of the Recorder having brought the papers to London, if such were not the case? Why were the copies of those lists withheld? Why, if the Recorder left all these papers in the office, had those persons who should have furnished the list invented the falsehood that he had brought them to London. If they took the liberty of inventing such statements, those inventions looked very suspicious. The deponent went on to say, that he lost no time in applying to the Sheriff for a copy of the Special Jury Panel, which was to be taken from the jurors' book, and which was to contain, pursuant to statute, the names of all persons duly qualified to serve as special jurors, and that the Sheriff declined to comply with his application, unless the Crown and the traversers should duly consent to it. What he (Sir T. Wilde) would ask, had the Crown to do with it? What right had the Crown to interfere in complying with a demand which the subject had a right to make? The Act of Parliament gave him the right. [Mr. *Shaw*: He had no right to it.] He submitted respectfully, in contradiction to the opinion of the right hon. and learned Gentleman, that the subject had a right to see that copy. [Mr. *Shaw*: Certainly not.] He (Sir T. Wilde) repeated, that the Act of Parliament gave him the right. [Mr. *Shaw*: Certainly not.] He could not conceive how it was, that he had not the right under the Act of Parliament. If it were a public document, why should he not be allowed to see it? Was it a private document? Then if it were not a private document, why had he not the right to see it? But he would grant the right hon. Gentleman that the Subject had not the right—he would grant that it should be all one way, and that the Subject should not have the right to see the list which was made out; and having granted that, he would ask if he had not the right, what honest man could object to allowing him to see the list? What public grounds had been stated to show why the Sheriff or the Clerk of the Peace should hold back a list of the jurors from the person who was to be subject to adjudication? What honest motive could exist for preventing those lists from being furnished? What security for the independent discharge of duty was it to require the consent of the Crown to allowing the traversers to see the lists? Every step in the proceedings was marked by the same characteristics. He found the deponent further stated, that on applying to Mr. Kemmis, the Crown solicitor, for his consent he (Mr. Kemmis) refused. So that the Crown was a party, by its solicitor, to that refusal, and that turned out most unhappily in connection with the misfortune which produced the omission that had taken place, the gross irregularity, to call it by no other name, and he had the authority of a learned Judge for calling it irregular.

"Deponent saith, that said Sheriff declined complying with deponent's application, unless both the Crown and the traversers should duly consent and unite in making such application: saith that the Clerks of the Peace for the said city informed this deponent, and which he believes to be the fact, that they applied by direction of the said Recorder to Mr. Kemmis, attorney for the prosecution, for such consent, but he declined to give same. Saith that deponent attended at the office of Walter Bourne, Esq., on the 3rd instant, for the purpose of striking the Special Jury, and that on that occasion Mr. Whiteside, as counsel for the traversers, applied for an adjournment of said striking of such Special Jury, on the ground that the traversers or their agents had no opportunity of examining the Special Jurors' List, and were therefore unprepared for striking a Special Jury. Saith that after some discussion, an adjournment to the next day was agreed to by Mr. Brewster, as Counsel for the

Crown, and it was also agreed that both parties should obtain a copy of the Special Jurors' List from the Sheriff, and the same was had about eight o'clock on the evening of said 3rd of January instant from the Sheriff's Office. Saith that upon examining same it was then discovered that the names of a great many persons were omitted from the Special Jury List whose claims to be placed on the said list had been allowed by the said Recorder at the revision aforesaid. Saith that deponent in company with two others of the agents for the traversers—namely, Messrs. Ford and Cantwell—attended the next day at the office of said Walter Bourne, and there and then protested most earnestly against any farther proceedings being taken in the striking of said Special Jury on various grounds, but chiefly on the ground that a gross and wilful suppression of the names of persons qualified to be placed on the Special Jurors' List had taken place; and deponent is thoroughly convinced that such wilful and corrupt suppression did actually take place."

Now, here was the affidavit by the attorney of the traversers before the trial took place, and made before the Court, and in which he pledges himself on oath that he believes that there had been a corrupt and wilful suppression in the list of the names of the Jurors. Now, they were told that the Crown was especially anxious that there should be a fair Jury. He should be glad to learn whether any affidavit, proceeding from any human being, had been produced in answer to this. From the reports that he had seen of what had taken place in court, he knew that no such affidavits had been produced. He asked whether any such affidavits had been produced in answer, to say that such suppression of names was not wilful and corrupt. He knew something of law in its practice, and he would venture to say that in any common case, in a court of justice in this country, where even the nature of the proceeding was such as not to involve more than 5*l.* damages, that if any attorney swore that corrupt practices had prevailed with regard to the jury, that it would be met with an affidavit in answer. But in this great State Prosecution—this prosecution which they had been so often told had been instituted to vindicate the law, and to produce a great moral effect throughout Ireland—when, in the early stages of the proceedings, this affidavit was made and read in court, stating that corrupt and wilful suppressions had been made in the jury lists, and that there had been tampering with the constitution of the jury, it appeared that the Crown had not thought it right to make any deliberate inquiry, or to meet this affidavit with a counter one, or in any way to interfere to remove all doubt as to the pure administration of justice. He never could conceive it possible that in such a case, where such an affidavit was made in Court, that it should not be answered in the face of the Court.

"Saith that deponent appealed to the persons acting on behalf of the Crown to postpone the striking of a Special Jury in this case until the said Jury List should be set right, according to the adjudication of the right hon. the said Recorder, but the persons acting for the Crown peremptorily refused to do so, and the said Walter Bourne refused the application to adjourn, unless the persons acting for the Crown consented, which said persons refused to do."

He would venture to say that in this country no fair attorney, even of low practice, would have done so; but for the Crown solicitor to do so was a most unheard of proceeding. He was sure that the right hon. Baronet would, if such a statement had been made to him of such proceedings in any case, and the more so when the Government was concerned, have expressed his detestation at such steps being resorted to? Were the legal officers parties to this? He did not know; he did not care, for he regarded a receiver of stolen goods to be a party to the theft; and in this case the Crown took the benefit of the proceeding. You wished to condemn these parties, and you showed that this fraud should not stand in your way, and therefore that you were determined to convict this man with the view of upholding the dignity of the law. He would ask, was the law vindicated by tampering with the Jury List? You took advantage of this irregularity, to say the least, and you took advantage of this in spite of the affidavit which had been produced in the face of the court, charging this fraud. Would his right hon. Friend the Attorney General say, that he would ever have countenanced such a proceeding? He (Sir T. Wilde) knew full well that if any proposal of such a nature was made to

his learned Friend by any Crown solicitor, or any other person, that he would instantly have turned him out of his chambers with indignation. He (Sir T. Wilde) would call upon Westminster-hall to say what his learned Friend's conduct would be under such circumstances. It would have been, throughout, the fitting conduct of a high legal Officer of the Crown, consulting the dignity of the administration of the law, and the principles of common justice. And he would have declared that no inducement of this kind could weigh with him, nor could it be of any public advantage, when it threw a suspicion and a stain upon the administration of justice. He (Sir T. Wilde) could tell the House what took place last week in a case in which his hon. and learned Friend was engaged. A case was proceeding for penalties for an alleged infraction of the revenue laws. The defendant's counsel said that he was taken by surprise, and that he had been misled as to the date of the case; and although this was not shown on affidavit, still his hon. and learned Friend at once requested the learned judge who presided, to let the case go off, being anxious to prevent the slightest suspicion in the administration of the law. What was the result of this?—why, that the course of justice was proceeded with in a regular manner, and every prosecution adopted by such an Attorney General was respected. True it was, that his hon. and learned Friend had challenged and put by some of the jurors in the recent trials in Wales, but this was done with the consent of the Judge, and with the full concurrence of the prisoner's legal advisers; every man convicted bowing to the law, and feeling satisfied that justice had been fairly administered, while the families of those convicted, felt grateful to the man who was called on to conduct those prosecutions. The affidavit proceeded—

"Saith that several gentlemen whose claims to be on the jurors' list had been allowed before said Recorder were in attendance on said 4th January instant, at said office of said Walter Bourne, ready to prove the fact that their said claims had been so allowed before said Recorder, and were tendered as witnesses by this deponent to said Walter Bourne to prove said fact, but said Walter Bourne refused to hear any evidence on the subject, but insisted on proceeding to draw the forty-eight names out of the ballot-box, and thereupon said William Ford, who is agent for Daniel O'Connell, one of the traversers, handed in a written protest against the officer proceeding further, and which is in the hands of the said officer, and to which deponent begs to refer; saith that this deponent and the said Mr. Cantwell protested verbally against the said officer, the said Walter Bourne, proceeding further with striking a special jury in this case; saith that the officer proceeded to draw forty-eight names from the ballot-box, and then adjourned the further proceeding of striking the Special Jury until the next day, viz., January the 5th instant; saith that previous to the said revision this deponent had applied to the clerks of the peace of the city of Dublin, to furnish him with copies of the lists of persons qualified to serve as jurors for said city, as returned by the collectors of grand jury cess; saith that after repeated applications this deponent obtained from them copies of said lists made out for the twenty parishes that comprise the city of Dublin; saith that after said revision, this deponent applied to George Magrath, deputy clerk of the peace for said city, and who acted as register to said Recorder during said revision, to permit persons appointed by this deponent to inspect the lists of the parishes that had been revised by the said Recorder, and to introduce into deponent's said copies the corrections and adjudication made by the said Recorder, and the qualifications attached to each name thereon, and that the said George Magrath consented to such application, and that thereupon this deponent appointed for such purpose four competent persons, viz.,—Edmond Hagarty, Patrick Gaynor, T. B. Cormick, and P. J. Murphy, to make such inspection, and to compare said copies of deponent's with said revised lists of said Recorder, and said persons last named proceeded to do so, and brought back to this deponent the said copies of said lists of four parishes, viz., St. Anne's, St. Audeon's, St. Andrew's, and St. Bridget's, which said persons said to this deponent they had compared with the said lists as revised by said Recorder, and had introduced in red ink into said copies of this deponent, the various corrections and adjudications as they appeared in said revised lists of said Recorder, and which statement this deponent verily believes to be true."

Now there was apparently some doubt as to the number of the names that were missing from the list, as the right hon. Member made some mistake in running over the names. It appeared that there were the names of twenty-six or twenty-seven Catholics. [Mr. *Shaw*: "No, no."] It was so stated in the affidavit, and he must be excused for abiding by it. It was a matter that had undergone investigation, and an affidavit had been made showing this; and as no one could deny it in court, it was therefore too much to take a contradiction for granted, made out of court after the trial. [Mr. *Shaw*: No such facts were sworn to.] He did not feel displeased with the right hon. Gentleman for interrupting him, for he should be happy to be set right on any point. [Mr. *Shaw* repeated that no such fact was sworn to.] He would then proceed to show that he had fallen into no mistake. The affidavit proceeded—

"Saith that it appears from said four copies as they were so altered after said comparisons, and brought back by said persons to this deponent, that the names of the following persons were adjudicated upon by said Recorder, and their qualifications to be Special Jurors allowed by him. The following are the said names: Nicholas James Caffrey, Hugh Duffy, James Duggan, James Egan, Charles Egan, Thomas Egan, George Faulkner, Nathaniel Halbert, Bernard Martin, Nicholas Martin, Thomas Murray, James Reilly, John Vicars, Thomas White, and Sylvester Young."

It had been said, that there was an omission of fifteen names, but the omission was an omission of twenty seven. The special jury list was a distinct thing from the common jury list. It appeared that of the twenty-seven names omitted from the special jury list twelve were in the common jury list, but they might as well have been in the Common Prayer Book. The question was to what extent the special jury list was deficient. On this point all was perfect—chapter and verse. An affidavit was made by Mr. Mahony, that fifteen names, all of gentlemen professing the Roman Catholic religion, were omitted from the special jury list. Mr Mahony deposed as follows:—

"Saith that all these names are the names of persons professing the Roman Catholic religion, as deponent is informed, and verily believes, all are omitted from the Sheriff's list of special jurors for 1844. Saith that deponent had also employed competent persons at the said revision to take down the names of such persons as should be admitted by the said Recorder to possess qualifications to entitle them to be placed on the Special Jurors' list. Saith that said persons have made returns to him of the persons so judged to be qualified by said Recorder, and which return this deponent believes to be true, and that it appears therefrom, that besides those already mentioned, twelve persons professing the Roman Catholic religion, as deponent is informed, and verily believes, had their claims to be placed on said special jury list allowed by said Recorder; and this deponent saith that all their names are also omitted from said Sheriff's special jury list. Saith the names of the said persons are as follow:—M. C. Carrick, Patrick Curtis, James Dillon, John Elliott, John Gaynor, Michael Farrell, George Hurst, Bryan Molloy, J. Molloy, R. Molloy, J. H. Walsh, and Stephen Pidgeon. Saith that this deponent appeared at the office of the said Walter Bourne on the 5th of January instant, when the said list of forty eight names, drawn from the ballot-box as aforesaid, was to be reduced to twenty-four by the striking off of twelve named by each party, so as to reduce the said list to twenty-four. Saith that before said proceeding commenced this deponent handed in to said Walter Bourne a protest in writing, now in the possession of the said Walter Bourne, and to which this deponent begs leave to refer, and took no further part in striking the Special Jury in this case. Saith that said Mr. Cantwell stated that under his former protest he would strike off the twelve names he was entitled to strike on behalf of his clients. Saith that Mr. Kemmis, attorney for the prosecution, attended on behalf of the Crown, and struck off from said list of forty-eight the names of twelve persons, of which twelve eleven were persons professing the Roman Catholic religion, as deponent has been informed and verily believes, and who were the only persons professing that religion among the forty-eight whose names were drawn as aforesaid from said ballot-box. Deponent positively saith that this is not an application made for the purpose of delay, but that it is a *bonâ fide* application made for the

purpose of obtaining for the traversers a fair and satisfactory trial, inasmuch as this deponent in his conscience believes that if the traversers are put upon their trial under the circumstances hereinbefore detailed, they will be so placed upon their trial under disadvantages and disqualifications which the law has not imposed upon them."

In spite, however, of that which was charged and alleged, the Government cling to its Special Jury. Application was made to the Court to grant it, and the affidavit which he had just quoted was, with others, read to the Court, and in answer to that affidavit, Mr. Kemmis, the Crown Solicitor, made an affidavit disavowing any interference in this part of the transaction, or any intention to make an unfair list. That affidavit was dated the 9th of January, 1844, and it stated, that Mr. Kemmis did not know or believe that there was any just ground for supposing that a fair and impartial jury could not be obtained from the Jury List for 1843, as he had no part in the revision of the Jury Book for 1844; that he had not been informed until he read the affidavit of Mr. Mahony of the refusal of the Sheriff to comply with the application made to him, and that he declined to interfere as the Sheriff was the proper officer to prepare the panel, and that he was not acquainted with the suppression of any names; that the panel contained an ample list for a fair, impartial, and respectable jury: that the Crown solicitor had inspected the book, and found that the following names, mentioned in Mr. Mahony's affidavit (giving the twelve names) were not in the Sheriff's book, and that he had also ascertained that the fifteen names also mentioned in Mr. Mahony's affidavit, were in the ordinary Jury List. He further stated that he did not believe eleven Roman Catholics had been struck off, but only ten, and that previous to striking off those names he had received information that the persons who bore them were either members of, or had subscribed to, the funds of what was called the Repeal Association. So it stood quite clear on the affidavit of the Crown solicitor. The Special Jury List was deficient of twenty-seven names. That had been left in some confusion; but he had now read the affidavit of Mr. Kemmis. Application was made to quash the list, on the ground that the names had been designedly, wilfully, and corruptly omitted. On the part of the Crown, the Attorney General submitted that the Crown had no authority to quash it. No affidavit was produced from the other side. When there was an affidavit imputing corruption and fraud—when it was declared upon affidavit that that had taken place—when it was even said that there had been irregularity, there was no affidavit in explanation given. No, it was more convenient to pass that by judicial investigation, to leave unanswered the suggestion of fraud. It was more convenient to state that public papers had been left here and found there; but to answer these statements upon affidavit there was nobody! He asked, he appealed, to the hon. Baronet opposite, whether, in the face of an affidavit, that a jury had been formed from a list that was imperfect, from design or fraud—with the fact before them, that from that list there had been removed the names of twenty-seven Roman Catholics—he asked these honourable persons, if it became the Crown to oppose the quashing of that panel? The traversers swore that they believed it essential for a fair trial that those names should be on a list, which had been defective in consequence of the conduct of a public officer, whether it was negligence or otherwise. It was clear that the Crown had got a list in which there were so few Catholics, that they had acquired a command of the whole, and they were determined to keep it. He said, that he who took advantage of a fraud, was as bad as he who committed it. He who sought to get men tried by a jury which was believed to be imperfect from fraud, from negligence, from illegality, what was to be said of him? But then, in a case where the question of Protestant and Catholic became a material point—in a case where an affidavit was made, that it was believed a fraud had been committed to exclude Catholics—what, he said, was the character of the Government which consented to try a man by such a jury? He pledged his honour and his character that he himself should feel degraded if he hesitated for an instant to refuse going to trial with a jury so composed. He challenged his hon. and learned Friend, who dare not—and his hon. and learned Friend would understand the sense in which he here used the word "dare"—he said his hon. and learned Friend dared not do this; nay, the honour of his hon. and learned Friend would not permit him to do it; his hon. and learned Friend would have himself have courted the quashing of the panel. No man who knew him but would aver it.

It had happened a thousand times to his hon. and learned Friend, and it had so to him, that objections were made to jurors in common cases; and did they ever refuse to put the Jury List right? He begged to say, that he did not impute dishonour to the right hon. Gentleman (the Irish Attorney General); but this he said to him, that he had mistaken his duty grossly. He did not venture to say, that the right hon. Gentleman had not been careful in the discharge of a public duty; but he did venture to say, that the right hon. Gentleman, as the representative of the Crown in a State proceeding, had not remembered, that his first duty was to see that there was a fair trial; and his duty also was to see, that there was a satisfactory trial not less than a fair trial. If the conviction was to have a good effect upon the defendants, then they must not be placed in a situation in which they had reason to suppose, that they had been tried by a jury not fairly selected. It was nothing to tell him, that the jury were honest and upright men. He was not going to aver the contrary; but then, he said, that they stood in a situation, however honourable and upright they might be, in which they ought not to have been placed; and that they ought not to have been the only jurors on this Gentleman's trial, was perfectly clear. It was complained of, that every Catholic had been struck off. The Jury List was deficient by reason of Catholics being omitted. It was said, that Protestants also, were omitted. It was only mentioned in Mr. Kemmis's affidavit. That there were a number of Catholics omitted was perfectly clear; but that any Protestants were omitted was not so perfectly clear. Twenty-seven Catholics were omitted. He asked, whether it might not have been possible, in such a case, to have preserved them? But whether it was so or not, it was manifest that the Crown eagerly grasped at a jury without Catholics. If they told him that this was of no importance, he said he had positive evidence to demonstrate that it was of the utmost importance. What had they incurred for the sake of it?—Dishonour. What was the price they had paid for their Protestant jury? They paid this price for their Protestant jury—they had brought the whole trial into suspicion. They were eager for a conviction. The traversers said that twenty-seven Catholics had been omitted. The charge was, that they were omitted—others were struck off because they were Roman Catholics. He wished that there had been an affidavit, stating that those persons had not been struck off because they were Roman Catholics. There was no such affidavit. Amongst the misfortunes of the Crown, which had been referred to, there was at least one piece of good fortune, that the Catholics so struck off were in circumstances that afforded a possible reason for their being struck off, though he was not quite sure that was the real reason for striking them off. Were they, then, struck off by reason of their being Roman Catholics? It was curious, that in the answering affidavit of Mr. Kemmis, he did not affirm that they were not struck off because they were Catholics. If the question, however, did not turn upon the striking-off of the Catholics, he should have said nothing about it. But the question here was, as to Catholics being struck off, and retaining none but Protestants; and, he must say that it behoved Mr. Kemmis, if it could be done, by the introduction of a mere line and a half, to make a statement to the effect that those men were not objected to as Catholics—that no prejudice influenced him.

It was manifest that the Crown did not think it safe to trust to a jury composed of Protestants and Catholics. The noble Lord opposite had said, that in a common case, an attorney would strike off jurors, so as to win for his client. Yes, and his complaint was, that the Crown had played to win: but with loaded dice. His complaint was, that the Crown took every advantage—that the Crown had availed itself of every circumstance, whether proper or improper, that they had availed themselves of every advantage that an attorney in a common case of common practice would take to win. Would they tell him that the acquittal of Mr. O'Connell, by a jury composed of Protestants and Catholics would not have done more public good than by a conviction as it now stood? The law would have been laid down; the eyes of the public would have been opened; the diligence of the Government in watching the progress of these meetings would have been made manifest; the notice of the people of Ireland would have been directed to those who invited them to attend public meetings—they would have seen the dignity of the law vindicated. The acquittal of Mr. O'Connell under such circumstances would rather have tended to the peace of the country, than his conviction under the present state of facts. The Government had indicted Mr. O'Connell, amongst

other things, for conspiring to withdraw the confidence of the Queen's subjects from the administration of justice. And yet what had the same Government done? Destroyed the confidence of the people of Ireland in the administration of justice. They had done this much more than it had been done by Mr. O'Connell. Look also at the meetings of the Roman Catholics. See how the dignity of the law has been vindicated in their esteem. The Catholics believed that they had been marked as unfit to be jurors, and that the Government policy for Ireland was, that they were to try Catholics by Protestant jurors. Could any man doubt that this was the state of feeling that had been produced? Mr. Thompson, one of the jury, had been a Member of the Town Council, and when Mr. O'Connell made a motion on the subject of Repeal, this Mr. Thompson had made a strong speech against him. He proposed a counter motion, and supported it by all the means in his power. [An hon. *Member* said, "No, he seconded it."] Very well, he gave the Gentleman the benefit of the contradiction: Mr. Thompson had seconded the motion, but did not move it. No doubt that made a great difference, [An hon. *Member* said, "Mr. Thompson is not a Member of the Town Council."] He (Mr. Thompson) had been a Member of the Town Council. He is not now a Member of the TownCouncil; but the statement he had received was, that when Mr. O'Connell had the power of bringing forward a Repeal Motion, Mr. Thompson, the juryman, by whom he was tried, supported the amendment. There could be no doubt that hon. Gentlemen were satisfied of the correctness of their statement; but this facility of denial, only showed the necessity that the facts should be scrutinized. Now he must say, that whatever communications were made to him on this subject, he had impressed upon the parties the responsibility that must attach to them in the communication of facts; and he had himself avoided speaking on facts that were not supported by documents. He believed that his information was correct—he had it not merely from one, two, or three quarters, that this Mr. Thompson was the gentleman who seconded the amendment on that occasion, and that several others of the jury were persons who had voted against Mr. O'Connell. But he stood upon this point, that Mr. O'Connell was tried by a Protestant jury—the Crown taking advantage of an omission, whether fraudulent or neglectful, on the part of an officer intrusted with the making up of the panel. By taking advantage of the doubt involved upon this fact, the Government had shown that they would rather obtain a verdict by any means, than run the risk of an acquittal by the introduction of a Catholic Juror. Now, he asked, whether a verdict so obtained, could be represented to the Irish people as a verdict of justice or of law?

He was sure that the hon. and learned Gentleman who conducted the case for the Crown, now that he had recovered from the excitement of the moment, would be as satisfied of the worthlessness of the result of that trial as any Gentleman in this House could be. The Government might pursue Mr. O'Connell to gaol, if they pleased; the Court upon appeal might refuse a new trial; a writ of error might be dismissed, but still the impression would remain the same, and insurmountable — that Mr. O'Connell, in this matter, had not had a fair trial, and had a right to complain of the conduct of the Crown towards him—that he had been convicted upon an illegal verdict, a verdict which ought not to be respected. See, then, what the last year had added to the strength or credit of the present Government. What had they done to call for particular marks of admiration or respect? Was it for using extraordinary diligence in putting down these meetings, which they declared to be unlawful, by lawful means—for it required no other than lawful means to do all that the public safety demanded? If so, it appeared difficult to say why the Proclamation which put a stop to these meetings had not been promulgated at an earlier period. Suppose that the Government had done so—suppose that they had prohibited these meetings, and that Mr. O'Connell, regardless of their prohibition, had attended them. How very different, how much better, would have been their case now. Instead of so doing, however, they allowed the meetings to take place; and they sent agents to watch and take down the sayings of a man of ardent mind, which they produced nine months afterwards against him at this trial. Such a trial as no Government of any free country ought ever to have instituted. Look at the state of Ireland at the time. It could not be expected that the result of this trial would be to re-establish peace and order in that country. He might be told that he took an improper part in investigating these proceedings; but he considered that

it was the duty of every man to watch all that concerned the administration of justice, particularly if he found that the course of proceeding pursued by the Government was such as rendered the liberty of the subject unsafe. He did not accuse the Government of being, by design, adverse to the liberties of the people though they shewed themselves to be so by their measures; for he did not think the right hon. Baronet had any design against the principles of liberty which prevailed in this country) but it was the duty of every man to look to all that concerned the Administration of Justice, when he saw measures of this kind adopted in Ireland. Every man knew that when they came into a Court of Justice, they met with men on the Bench, who, breathing a calm atmosphere, and removed from the ordinary subjects of popular agitation, would look with a little surprise upon speeches such as are ordinarily made at public assemblies, and ask, "Is this calm discussion?" But if it came to this, if such opinions upon the limits of calm discussion were to give the law, it amounted to compelling every man to hold his tongue at a public meeting. In public prosecutions like this, directed against Mr. O'Connell and his friends, the public was the real jury; the moral effect of that proceeding depended entirely upon public opinion. It was said that this jury had decided in favour of the Government. In the fact of obtaining the verdict, undoubtedly they had triumphed; but as regarded any useful effect upon public opinion, the result was decidedly the reverse. This case, he maintained, had entirely failed in this point of view; and Government were very much mistaken if they thought that agitation in Ireland had in any way been shaken or terminated by it. Ireland had too long complained of the mismanagement of her internal affairs; of the mismanagement of her religious state; of the misapplication of her resources by the party now in power to be quieted by any proceeding like this. He would ask the party in power opposite, did they mean to hold Ireland for ever by the force of troops? When did they mean to withdraw their soldiers from the country? When did they intend to alter their policy?—for they could not go on with their present system. When would they give a fair occasion to stop the agitation which was now going on in Ireland? But the time was, when the right hon. Baronet at the head of the Government thought even an old story worthy of attention. In speaking upon the question of Catholic Emancipation, the right hon. Baronet said:—

"I, and the other Ministers of the Crown, think that there is greater evil to be apprehended from advising continued resistance to the adjustment of the Catholic question, than in advising a deliberate attempt to settle it."

He hoped the right hon. Baronet would now think so in regard to other grievances complained of by the Irish people.

"I was told on a former occasion (the right hon. Baronet continued), in language which, though familiar, was forcible, 'this is the old story, the repetition of facts with which we are familiar for the last twenty-five years; therefore there is no reason for any change.' It is because it is the old story—because this state of things has so long existed—because it is found impossible to put an end to them, that I am tired of maintaining the present system. It may be an argument *ad hominem* to ask, why I did not take this course earlier? It is, however, no argument against the question."

It was no argument against the question! he agreed in that position; and he asked the right hon. Baronet whether, because there were old grievances, that was an argument against their redress? He asked whether the right hon. Baronet was still of opinion that he should repress Irish agitation by the aid of troops? If so, he thought the time was arrived, when this House should undeceive him, and call upon him to settle these questions upon a more rational and equitable footing. But let the right hon. Baronet, and let the House be assured, that concession which falls short of justice will never be successful in silencing complaint. A great statesman might be mistaken once in his life; but if he continued to act in error, in opposition to his experience, he would find, however high his character, however much he might be respected, he could not, after a second mistake on the same point, claim the character of a great statesman. He would call the right hon. Baronet's attention to another passage from a speech of his own, to show under what circumstances it was expedient to concede; and he prayed the right hon. Baronet's experience to the ad-

vantage of conceding, under such circumstances as he himself had described, and he would ask him whether he did not know that concessions made to justice were received with gratitude, and that the result of that gratitude would be obedience to the laws? Ireland had gained for herself Emancipation by agitation. The party who made the present Motion, had gained for the country many advantages by agitation, and in that House they would continue to agitate. It was their duty, and their sense of justice to Ireland, and their care for the safety of the Kingdom, would induce them to continue it. No one expected that the Motion of the noble Lord would lead to the change of the Government. If it were supposed to be a party Motion, made with the view of producing a change in the Government, such a supposition was idle. See how strongly the bands around the Government were fastened and formed. Were not various class interests of the country combined to support the right hon. Baronet in his position? The question they looked to was merely whether the right hon. Gentleman, with reference to their own personal interests, ought not to remain at the head of affairs, not whether his policy upon this point or upon that was erroneous. His measures might or might not tranquillise Ireland; this was a point which did not weigh with them; it was enough that their private ends were served, and their views supported by the system of policy which he pursued. Those were the grounds upon which they were united to retain the right hon. Gentleman in office. Hon. Gentlemen opposite, therefore, were too closely banded to lead them (the Opposition) to believe that anything they could do on this occasion—that any argument they could urge, or that any measure they could propose would induce a vote that would lead to a change of Government. The expectation, then, of producing a change in the Government could form no motive in submitting the present Motion. The party by whom the Motion was made had, at various times, suggested measures for the amelioration of Ireland which had ultimately succeeded; and they would be content, in respect to the present, that that which had happened should again happen. Let Ireland be governed by a policy advancing her interests and promoting her prosperity, and they (the Opposition) would be content to see the fruit and honour of their labour reaped by their opponents. When the right hon. Baronet brought forward the Catholic Emancipation Bill—and he prayed and invited the attention of the right hon. Baronet to the possibility of a recurrence of similar circumstances to those he had described, which might demand, when it was too late, that to be granted to fear which was now denied to justice—it was a question, said the right hon. Baronet, if a war broke out, whether the moral claims of Ireland would not be taken a different view of by other countries in the present state of society, than in former times; whether there might not exist strong feelings against our justice and policy, if we were found in conflict with so important a part of our dominions. Ireland called upon England to grant her demands, demands which did not interfere with England, but that she should have a voice in the management of her own affairs, and that the course of treatment pursued towards her should be changed. And while she made these demands, and they remained unredressed, should a war arise, the responsibility would fall heavily on that Minister, who, having abundant time to consider the claims of Ireland, should have failed to put an end to the evils of which she complained. He would now read the passage from the speech of the right hon. Baronet, to which he had alluded.

"I read," said the right hon. Baronet, "the lesson of that period, when Mr. Pitt was at the head of a House of Commons which rejected the Roman Catholic petition. It was not that they rejected a Bill, or a resolution, that their claims should be taken into consideration; but they refused to listen even to their petition, by a majority of about three to one. The French war broke out in 1793, and then I find, that in spite of all the declarations recorded, and opinions proclaimed, that very Session of 1793 was opened with a recommendation from the Throne to consider their decision on that Motion, and immediately after a Bill was passed. Until I see a bolder man than Mr. Pitt, and a more Protestant House of Commons than that of 1792, I cannot be sure that the same scenes may not be acted over again; and that, in spite of our declaration, we may find ourselves under the necessity, in the event of a war, of receding from our professions."

There was a majority on that day as triumphant and determined as any that

now sat on the other side. But what was the course adopted by that majority? He asked the Government to profit by experience. Nations and individuals should learn wisdom from the past. They knew, and admitted, that war and difficulty would induce them to grant that which when all was calm they refused to concede to justice, and Ireland would not, they might depend, forget the lesson which had been taught her in former times, should the day of danger arise. This, then, was the day of wisdom.

He hoped that in the discussion which the right hon. Baronet had listened to with so much attention he would find some matter worthy of his consideration; and, whether the proposal which had been submitted passed or not, they would hear from the right hon. Baronet some definite line of policy which the Government meant to adopt more calculated to meet the wants of Ireland than any that have yet been announced. His noble Friend (Lord J. Russell), with that courage which marked all his proceedings, had not contented himself with finding fault with the policy of his opponents, but had stated to the House what were his own views. As a statesman and a politician his noble Friend was undoubtedly right; but whether, as a tactician in debate, he had taken the best course he would not say. When the right hon. Baronet (Sir R. Peel) was in office he said, "If you object to my plans, tell me what better measures you have to propose: if you do not, I have a right to suppose that mine are the best;" but when out of office, the right hon. Baronet had declined to state what his prescription was until he was called in. Whether the present debate, which ought to be directed to the discussion of the efficiency of the right hon. Gentleman's policy, whether that would be the subject of the able speech (which he was sure it would be) of the right hon. Gentleman, or whether the right hon. Gentleman would leave that great question and address himself rather to the various minor points and propositions that had been suggested in the course of the various speeches they had heard, he could not predict; but he trusted the British public and the Irish public would obtain from the right hon. Baronet, that to which they had a right, and which he could and might give them—a manly, fair, and bold exposition of his policy. It could not be supposed, in so long a discussion, that many points had not been thrown out that deserved attention; and he must again express his hope, that the real matter of debate would not be passed over by cavilling at those little and minor matters to which he had alluded. England had a right to know the policy of the right hon. Baronet, and he hoped he would not shrink from disclosing it. He should vote for the Motion before the House, and hoped, it should it be negatived now, that at no very distant day it would be carried, or that it would be rendered unnecessary by the adoption of such an equitable and enlightened system of policy as would restore harmony to Ireland, and give contentment to her people.

Mr. *Shaw* rose to explain. He was anxious throughout the proceeding to give all the information in his power. Up to the period of closing the sittings of the Court, no difference or misapprehension had occurred. This was on the 24th. He remained for a week in Dublin, and then had occasion to leave it for a short time; but he never took with him a single original document. He desired the registrar, while he was making out the lists, special and common, to make out a rough copy of the special list, for the arrangement of which he was desirous, and he desired the registrar to send him a copy; and that was the only document which he ever received in England, or indeed anywhere else out of the Court-house. During his absence, application was made for the lists. Surely it would not be contended, that they were bound to furnish the lists in an unfinished state. When it was completed it was to be handed to the Sheriff, who might, if he liked, give copies of it to all the world. But as long as the list was making out, it would be highly incorrect for the officers to allow any one to see it. To go over these 5,000 names, some time was necessary. It was done by the clerks in the peace office, who said, that they could not do it quicker. When it was finished, it was handed to the Sheriff. That was on the 29th of December. He had occasion to state in Court, either on the 28th or 29th, that the List had been made out and given to the Sheriff. Application was then made on behalf of the traversers, to have a copy given them to save time, and that they might have facilities in getting the list before the Sheriff could furnish them with a copy. His answer was, that he did not think the Act gave him power to

give them a copy, but he told the counsel that if they could show him any clause in the Act, which, under any interpretation, could warrant his acceding to their request, he would do so. He told them, however, that if the Crown would consent to allow him to comply, he had no objections to furnish the List, and he sent down the clerk of the peace while the Court was sitting to ascertain whether the request would be granted. The answer was, that it could not. Between that time and the day on which the subsequent application was made to the counsel, some conversation having arisen as to names said to be missing, he desired the clerk of the peace to be particular in enquiring into this; and it was before the application was made, that the clerk reported that the missing list had been discovered. He then desired the clerk to make a memorandum of the error, and the traversers had the benefit of the information when they made the application. Until that application was over, he never heard of the affidavit, but in point of fact, he never heard what was in the affidavit until the application was made and refused. On the Saturday, at the time in question, he heard from Mr. Mahony, the solicitor for the traversers. He had a note from him, requesting him to be in Court on the following Monday, to explain something connected with the Jury list. He instantly sent for the clerk of the peace, the registrar, and his assistants, and he spent with them twelve hours in going over the Lists from first to last, to ascertain the defects to be complained of. He made the registrar point out where the names were taken from the Special Lists. The omissions amounted to twenty-four names; although he did not know what were the proportions, yet he thought that the greater number were Protestants. The traversers stated that there were sixty names omitted. He had compared the sixty names with the List, and he could give an account of all; of these twenty-four were actually omitted. There were on the List thirteen, there were on the common list twelve. There were names not entered, and rightly so, ten, and one was dead. That made up the sixty. It was stated that the traversers had access to the registrar's office. He believed that this was so, but he could not state positively. If the registrar had allowed this, he thought that he was wrong, and his doing so, gave rise to an opinion on the part of those acting for the Crown, that if there had been any impropriety at all, it had been on the part of this officer.

Debate again adjourned.

HOUSE OF COMMONS,

Wednesday, February 21, 1844.

MINUTES.]. BILLS. *Public.*—2°· County Coroners.

Reported.—Horse Racing Penalties.

Private.—1°· Leeds and Selby Railway Purchase; Brandes Burton Inclosure; Epsom and South Western Railway; Market Harborough and Coventry Road; Hartlepool West Harbour; Norwich and Brandon Railway; Birkenhead Improvement.

PETITIONS PRESENTED. From Stillington, and 6 places, against Alteration of Corn-laws. — By Mr. Ord, from Newcastle, and Gateshead, respecting Window Tax on Licensed Victuallers.—From Newcastle Peace Society, against Increase in Military Establishments. — By Mr. Wynn, from Voelas, and 4 places, against Union of Sees of St. Asaph and Bangor.—From Dumbarton, respecting Professors at Scotch Universities.

COUNTY CORONERS.] Mr. *Pakington* moved the second reading of the County Coroners Bill.

Mr. *Hume* objected to the increase which it proposed to make in the travelling allowances to Coroners. That the present rate of payment was considered sufficient, was proved by the immense competition that always took place for coronerships.

Mr. *Pakington* said, the main object of the bill was to improve the present very defective mode of election.

Mr. *Williams,* but it also proposed to increase the travelling allowance; and, therefore he should divide the House against it.

Mr. *Craven Berkeley* would suggest that as the only clause referring to an increase of allowances was the 20th, which he proposed to move the omission of, it would be undesirable to divide the House against the whole Bill.

Lord *J. Russell* hoped, that to meet the convenience of the House, with reference to the important debate now in progress, the hon. Gentleman as well as other hon. Members who had Bills on the Paper, would consent to postpone them.

Mr. *Pakington* said, the noble Lord's object would be answered by reading the bill a second time *pro forma,* and taking

the discussion on the details at a future stage.

Bill read a second time.

Penalties on Horse Racing.] On the Question that the Speaker do now leave the Chair, for the House to go into a Committee on the Horse Racing Penalties Bill,

Mr. *Christie* rose to move as an amendment, "That it be an instruction to the Committee to extend the provisions of the Bill to all proceedings of common informers, under the authority of any penal statute." He said his object was to turn the Bill—which as it stood was a Bill to protect a few individuals, who, by violating a law, have incurred unreasonably high penalties, which were sued for by common informers, actuated, very probably, by malice, and a desire to put money into their pockets, but still the very motives on which the Legislature relied for the execution of the law that had been violated—into a Bill applying broadly and impartially the only principles which afforded a shadow of support, to all cases where the Legislature had apportioned penalties on the same plan, and provided the same means of recovering them, and trusted to the same motives, and to all cases, whether of rich or poor, where individuals were at the mercy of common informers, actuated by similar vexatious and mercenary motives. He could not recognise the distinction between high betting on horse racing and other species of gaming, nor any difference, in respect of operation on the morality of the poorer classes, between their smaller bets on horse races and boat races, and on the humbler games of chance, such as pitch and toss, for which they are every day liable to summary conviction by Justices. Nor could he see any difference between the unreasonableness in the penalties imposed by this statute on betting on horse racing, and the unreasonableness of the same penalties as regards gaming at cards or rouge et noir, so that public opinion would naturally lead to a general non-enforcement of the statute, but which, being unrepealed, might be unexpectedly revived any day to the ruin of some individual who had presumed upon the sleeping law. And there were many other penal statutes as absurd as these, to which the present Bill related; for instance, a statute against lotteries, passed in the reign of William and Mary, which subjected every one keeping a lottery, to a fine of 500*l.*, and every one drawing in a lottery to a fine of 20*l.*, at the suit of any common informer. And there was no difference between the vexatious and mercenary motives imputed to the parties bringing those actions, and the motives which might lead any common informer, during the time this Bill was in operation, to revive the old statute against lotteries, against a far greater number of persons, or the motives which were at the time alleged, and which there was just as much reason to believe, actuated the person who brought the actions, in the case mentioned the other day by his hon. Friend the Member for Manchester, against Mr. Bond, and which almost ruined that individual. If the House passed this Bill on account of the characters and motives of the common informers who had brought the actions, they must, to be just, stop all proceedings of common informers in every case. An information might be brought for summary conviction by Justices, from a grudge against some poorer neighbour, as well as a *qui tam* action, because the informer had been turned out of the park at Goodwood. There was no pretence for saying that there had been any doubts, as was said in the preamble of the Bill, as to horse racing being included within the statute of Anne. There had been a series of decisions, from an early time after the passing of the statute up to the latest time, in which judge followed judge in deciding that horse races, foot races, cock fights, and dog matches, some of which were specifically mentioned in the Act, were included in its operation. In giving judgment in the case of Applegarth v. Colley, in December 1842, Baron Rolfe said,—

"According to the construction which a great variety of cases have put on these acts, it must be taken, first, that horse racing is a game within the meaning of the statute of Charles II.; and, secondly, that the games contemplated in the statute of Anne, though not there enumerated, are the same as those referred to in the statute of Charles II."

There was a case even more recent than this — Bentinck v. Connop — in which judgment had been given by Lord Denman on the 10th of the present month, which was an action for the recovery of a portion of the Grand Duke Michael Stakes, run for at Newmarket, in the October

meeting in 1842. The case turned on the Act of Charles II., and Lord Denman said, "that the object of the statute was to restrain gambling, and that betting on horse racing was included." The plaintiff in this case was the noble Lord the Member for Lynn; and as it had been stated for the noble Lord that he was ignorant of the law, though the noble Lord had not made that statement himself, he hoped the noble Lord would give some explanation on the point. It seemed strange that the noble Lord should be ignorant of the law which he was violating, when he was at the very time plaintiff in an action turning on one of these acts, and his attention must have been directed to the law, and if so to the recent case of Applegarth v. Colley, and the judgment of Baron Rolfe. If the House passed the Bill as it stood, they would encourage high betting and horse racing. The hon. and learned Member who had charge of the Bill (Mr. J. S. Wortley) had said the other night, that though there had been many high bets, there might be still very little risk; for persons "hedged," and that one of the persons sued for one of the largest amounts of penalties, had so hedged as to reduce his risk to 97*l.* But this practice of hedging only went to increase betting, for every man who hedged must bet with two persons instead of one, so that this was a very extraordinary argument to urge on behalf of the persons interested in this Bill. The cases relied on as precedents to justify this piece of *ex post facto* legislation differed essentially from the present. The Act to protect Clergymen, in 1814, was to stop actions brought for penalties incurred, not by non-residence, but by neglecting to make the required returns of the grounds of exemption for non-residence, so that that was a mere matter of regulation, and did not involve a public principle. So with the Act of 1835 to protect newspaper proprietors from the consequences of a neglect of a provision for registry at the Stamp-office. But the present bill involved important moral considerations. He could mention a case which, if ever *ex post facto* legislation was called for, had most justly required it; he alluded to the wager of battle in the well-known case of Ashford v. Thornton, in 1817. There every principle of decency and humanity, as well as common sense, was outraged. The person accused of the murder demanded his right of wager of battle, under an obsolete and most barbarous law, and the Judges decided that he had the right. Only an accident prevented these two men from going out, under the sanction of the law, to embrue their hands in each other's blood. Ashford felt that he would have no chance against Thornton's superior strength, and declined to prosecute the appeal. But this was not to be foreseen; and while the matter was pending before the Judges, there was an attempt made at *ex post facto* legislation. The two persons were poor and humble; one was a village labourer and the other a bricklayer, and the Legislature held out no hand to save them from the sacrifice of their lives. He asked the House to extend this Bill so as to include all proceedings of common informers. When the hon. and learned Gentleman opposite (Mr. Wortley) attacked the characters and motives of these informers, he attacked the informer system; let no *qui tam* actions whatever be brought while this Bill was in operation; let all informations in the Superior Courts be brought by the Attorney General, and all informations before justices by some public officer, the clerk of the peace for the county, or town clerk of the borough. If this general principle were applied, he should be glad that the few individuals interested in this Bill were saved from absurdly high penalties, but otherwise, he repeated, the Legislature would be encouraging high betting on horse racing; and to a Bill proceeding on that principle he would offer every opposition in his power.

Mr. *C. Berkeley* said, if they legalised horse-racing without legalising the sports of the poorer classes, that would be class legislation. He proposed to the hon. mover that this Bill should extend to the sports and amusements of the poor, but the hon. Gentleman refused to comply with that suggestion. He would move a clause to that effect.

Mr. *Hutt*, who upon rising was greeted with loud cries of "Divide," said a great deal of pains had been taken by the hon. Member for Manchester (Mr. M. Gibson) to describe this Bill as a measure of class legislation—a proposition which would not have been brought forward and sanctioned by that House if it had not had some relation to persons of station within its walls. He repelled the insinuation *in toto*. Since the hon. Member for Manchester had been

a Member of that House, no less than five or six Bills of a similar character had passed both Houses without any opposition. The hon. Member had scarcely taken his seat in that House when the Solicitor General, in 1835, brought in a Bill for the purpose of relieving certain printers who had unconsciously offended against the law, and who were sued for penalties of an enormous amount; and it was worthy of attention that one of the Gentlemen who showed himself anxious for the passing of the Bill was the hon. and gallant Member for Brighton (Captain Pechell), who was a strenuous opponent of the present Bill. That bill had relation entirely to persons in the humbler walks of life. In 1838, again, he (Mr. Hutt) himself introduced a Bill for the purpose of indemnifying a number of persons who had been engaged in the manufacture of turpentine, and who had unwittingly broken the law. That Bill was carried, and not a single voice was raised against it. If the hon. Member for Manchester were so shocked at *ex post facto* legislation why did he not oppose those measures.

Colonel *Wyndham* said, the hon. and learned Member for Weymouth (Mr. Christie) and the hon. Member for Gateshead (Mr. Hutt) had both made long speeches, and had travelled over a good deal of ground which had already been fully discussed. What was the plain state of the case? This was a Bill of expediency to relieve certain individuals from certain penalties, which were no doubt, a matter of great importance to those Gentlemen whoever they were. A committee however was to be appointed. Let them inquire into the whole case and introduce to the House what seemed best to them; but don't let them interrupt the business of the House and of the country by these puerile and foolish motions.

Captain *Pechell* said, the House would be led away by those who represented the laws in question to be obsolete laws. The plaintiffs in these actions had been denounced as scoundrels and blackguards, and all sorts of coarse language had been applied to them, and it was natural for them to turn round upon their assailants and say, "show that you do not let your lands for gambling booths." The noble Lord the Member for North Lancashire might be able to enlighten the House on this point, whether land was ever let for the construction of gambling booths.

Mr. *Wakley* considered this Bill a credit to those who brought it forward, and he wished that all the measures of the Government party were equally creditable to them. The arguments of the hon. Member for Weymouth were wholly inapplicable to the present Bill. He should give his cordial and hearty support to the motion for going into committee, but that support should be still more cordial and hearty if the Bill had gone a great deal further. It seemed to be considered by some Gentlemen that there was no immorality in the clergy being non-resident. Now, the proceedings adopted by Mr. Wright in 1814 were popular, but here the object was to make money by those who themselves had cheated others. ["Cries of name, name."] The fact was perfectly notorious—he should not and he would not mention names—but it was notorious that these actions were brought from base, wicked, and malicious motives; and the House ought to adopt a masculine spirit in resisting them. He wished to call the attention of the Secretary of State for the Home Department to some circumstances not unconnected with this subject, which took place in this town. A number of little boys were in the habit of amusing themselves by playing at pitch and toss—which some persons considered a highly immoral and injurious practice, while others regarded it as innocent and one to which no punishment ought to be attached, but he regretted to say that there were Magistrates in this town—Stipendiary Magistrates—who were in the habit of sending little boys to prison and to the treadmill for indulging in that practice. In the course of the present week, only two days ago, three boys were committed for having been guilty, as was stated in the warrants of the enormous crime of playing at "pitch and toss." He should be happy to relieve persons, whether in high or low stations, from vexatious penalties, and if this Bill was for the relief of the wealthy and independent, he was sure it was only necessary to remind the right hon. Secretary of State for the Home Department, of the practice of the Magistrates to which he had referred, and he hoped that if the Bill were passed into law care would be taken, at the same time, that all these innocent children should be liberated from their confinement.

Mr. *Gibson* protested against the practice of making vague and indefinite

charges, and accusing persons of gross dishonesty and perfidy without any means of substantiating the charges. Now, as it was stated that the actions in question had been brought by parties who had themselves cheated others, he claimed the right of stating what those parties said on their own behalf, that the proceedings were instituted in consequence of their being themselves defrauded by the unfair practices of Gentlemen of the Turf in withdrawing their horses. He thought there was great force in what had been remarked by the hon. Member for Finsbury. It would have been better that this should have been a private Bill, and that it should have been left to a Committee up stairs to decide whether it were a case for indemnity or not. He agreed with the hon. Member for Gateshead, that there had been an understanding on a former evening that there was to be no further opposition to the Bill on the condition of the word "suspended" being substituted for "discontinued," in reference to the actions, and he should not feel that he was acting with good faith if he now offered any direct opposition to the Measure. He should therefore ask his hon. Friend not to press his amendment to a division. But he must beg to call the attention of the House to the peculiar position in which it stood on this subject in reference to the House of Lords. The House had agreed that it would not consent at once to discontinue the actions—to kill them, but to suspend them, and now a new Bill was sent down from the Lords to indemnify any witnesses who should have given evidence before the House of Lords, which provided that upon the production of a certificate from the Chairman of the Lords' Committee, not only should any pending action against such witnesses be staid, but the Court should award them costs. If the House agreed to this second Bill, it would be to allow the other House to obtain a decision of the House of Commons in an indirect manner, for it would then be only for a man to go before the Committee of the House of Lords and disclose bets, and he would thus not only put a stop to pending actions, but receive his costs. The Secretary for the Home Department had said, on a former occasion, that the informer was entitled to the whole of his expenses; that the payment of the mere costs out of pocket would be a hardship on account of the inducements which had been held out to him to incur the odium of bringing such actions; but this second Bill not only deprived the informer of costs, but enabled the defendants to receive costs from him.

Question that the words proposed to be left out stand part of the question, put and agreed to.

House in Committee.

On the first Clause being proposed,

Viscount *Howick* fully concurred in the object of relieving parties against whom these actions were brought, but he hoped it was not the intention of the House to encourage the continuance of the system of betting on horses. If the Bill did not go to repress that system, he was bound to say that he must require some change in it, because otherwise, betting clubs might go on to-morrow without check, and the system be continued, which was very injurious to the country. This Bill was intended for the protection of persons who were taken by surprise, having acted in ignorance of the law. Let it, then, be confined to that. He proposed, for that purpose, the introduction of the words "such playing or betting being alleged to have taken place previous to the 21st of February, 1844," so that no betting taking place after this day, should have any protection.

Mr. *Wortley* entirely concurred with the noble Lord in his anxiety to limit, if it were not possible entirely to repress, the practice of betting; but he thought there was no necessity for the amendment proposed by the noble Lord. The Act was to last only for a limited period, in the expectation of an alteration of the law, and if no such alteration took place, after the expiration of the Session, or three months, or whatever time the House should assign for its limitation, all persons concerned in such transactions would be liable.

Viscount *Howick* said, that the necessity for his amendment was proved by this circumstance, that if the inquiry to be instituted should be found longer and more difficult than was expected—if they should fail to obtain the assent of the other House to their endeavours to put an end to gaming—at the end of the Session the House would be obliged to renew the Bill, and practically all bets made after this day, would be protected. This was what he wished to guard against. He admitted, that his Amendment might be inconve-

nient to persons extensively engaged in betting, but he looked upon their occupation with so little favour, that he did not much regret the inconvenience which they might sustain.

Sir *J. Graham* entirely concurred in the principles laid down by the noble Lord. He was anxious that the whole subject of gaming should be examined by the Committee, and that a total check should be put to gaming, and especially to making books upon horses on the terms, "play or pay." But at the same time he was bound to say, that the proposition of the noble Lord appeared to him objectionable, inasmuch as it partook of the character of a surprise. It was probable that, up to the very moment when they were speaking, bets to a large amount were being made against various horses for coming events, upon the terms of "play or pay;" and a great many of these bets, were, no doubt, made under the expectation of what was called "hedging" them at some future period. The consequence of adopting the Amendment of the noble Lord, would be to saddle these parties with great danger, and probable loss, which they did not contemplate incurring. Upon these grounds he should vote against the amendment of the noble Lord if he persisted in dividing the House upon it.

Mr. *Hume* said, that the only ground upon which these parties came to the House for relief, was their plea of ignorance of the penalties they were incurring by the operation of the existing law. The noble Lord, by his Amendment, proposed to allow them protection for the past, but to guard against the repetition of the practice of betting for the future. He thought this was a perfectly fair proposition. He should vote for it; and if it were not agreed to, he hoped that every means would be taken to reject the Bill in its future steps.

Mr. *Darby* did not think the Amendment at all necessary, even to meet the object of the noble Lord who proposed it, for if the law were not altered before the present Bill expired, or a renewed one expired, all parties making bets in the interim would be liable to be sued after the expiration of the Bill for the penalties under the existing law.

Viscount *Ebrington* concurred in the object of the noble Lord's Amendment, but with a view to avoid the charge of taking parties by surprise, he would suggest that the date fixed should be the first of March, or the date of the passing the Act.

Mr. *James S. Wortley* said, that the understanding come to the other night, was, that the operation of the existing law should be altogether suspended for the space of three months, in order to leave parties altogether unprejudiced by it until the Committee which was to sit upon the subject had come to some decision in regard to it.

Viscount *Howick* could not admit the argument of the Secretary of State for the Home Department, against his amendment. Was it not reasonable to expect that one "hedging bet" would give occasion to other parties to make other "hedging bets." The effect would be entirely to suspend the operation of the law against betting for a time, and when the Act expired, there would be found little difficulty in getting it renewed, and thus the practice of betting would be effectually legalised in a way which no one now dared to oppose.

Captain *Rous* observed, that there were a great many Gentlemen now making books upon the Derby, and if they were to be prevented from betting after the 1st of March, a great injury would be done them. For many of them who had only "got on," or bet against, perhaps twenty horses, would not to be able to get round by betting against others; and would thus have to stand to be shot at. He would state another case of very great hardship in these laws against betting. He stood, for instance, to lose 100*l.* upon a match between two horses: when the horse came to the post, he did not like the appearance of the one he had backed, and employed another party to bet off the 100*l.* in the ring, so as to stand neither winner nor loser a shilling by the race. He would thus be saved harmless; but any informer who chose might attack the agent who had made the bet for him, and recover a penalty of treble the amount. The fact was, there was a great deal of absurdity about this state of the law. In a recent case, a noble Friend of his, having won a certain stake, brought an action against a party who refused to pay his stakes for those horses which he had entered. The amount claimed was 150*l.*, being three stakes of 50*l.* each; but the learned Judge held that the engagement upon which the stakes

were run for, having been made more than a twelvemonth anterior to the event, and the amount sued for, being more than 100*l.* it could not be recovered. So that if Mr. Connop had only entered two horses, and lost two stakes of 50*l.* each, his noble Friend would have recovered, but because he had lost three, his noble Friend did not get paid at all. If he made a bet as to whether one honourable Member would go out of the House before any other named, it was a perfectly legal bet, and he would recover, but if he made a bet between Ugly Buck and Rattan, it was illegal. He thought the House ought to leave betting and betters to take care of themselves. They were doing so now; the extravagant rate at which betting had been carried on being found to be one of the reasons of the decline of the turf. There were three classes of persons who made bets upon horse races —the first paid every shilling of their losses, the second paid as much as they could, and the third would make all sorts of bets with everybody they could meet with to bet with them, without any intention of paying a sixpence if they lost. He knew an instance of a father and son, one of whom backed the favourite very heavily, the other backed the field; when the race was over, one of the parties levanted, the other received his winnings and divided the spoil with his relative and confederate. These, surely, are discouragements sufficient for the turf to labour under— this was surely punishment enough for those who bet upon horse races. Really, when gentlemen talked in this House about making one law for the rich and another for the poor, it should be borne in mind that the amusement of racing was enjoyed quite as much by the poor as the rich. The rich were obliged to keep horses for the amusement of those who could not keep them themselves. As to any harm that was done to the morals by mixing in horse racing, it was all humbug. On the contrary, it did a great deal of good, in making friends, and concentrating interests, and comparing opinions as to which horse would win.

Viscount *Palmerston* confessed he preferred the clause as it stood, to the amendment proposed by the noble Lord near him. He thought it more consistent with the general understanding which the House came to the other night, and also with the usual course of proceedings in such matters. A Committee was about to be appointed to inquire into the whole subject of gaming, and he thought it most expedient, that if in the mean time the existing law was to be suspended at all, it should be suspended altogether, till some course was resolved upon.

Mr. *James S. Wortley* said, that it did not appear to him that the amendment could have any really practical effect; for by the existing law, the party who lost money had three months to sue the winner, before the common informer could interfere.

Viscount *Howick* might have been induced to withdraw his amendment, if it had not been for the argument which the Secretary of State for the Home Department had used against it. The right hon. Baronet said it would be unjust to stop betting at the present moment, as it would prevent people from "hedging" their bets. It seemed, then, that what people were really afraid of was, a stop being put to the system of betting carried on at the present day; and that was precisely what he (Viscount Howick) wished to see accomplished. He would agree to fix the 1st of March instead of the 21st of February; indeed, he would cheerfully agree as to any reasonable date which might be proposed, but he was decidedly anxious to have some date fixed.

Lord *George Bentinck* said, that no bets which were made upon the coming "Derby" could possibly be made the subject of any *qui tam* actions before the 1st of September next, the settling day being the 18th of June, and three months being allowed for the loser to bring his action before the common informer could come in. It appeared, therefore, that the Bill could not prejudice the right of any person to penalties hereafter to be incurred; it being presumed that the whole merits of the matter would be decided upon by Parliament before the 1st of September.

Viscount *Howick* had no objection to name the 1st of June as the limit of the protection.

The Amendment so altered was agreed to.

Clause agreed to.

The other clauses were agreed to.

On the preamble being put—

Mr. *Christie* said, that the parties who had incurred penalties had acted with the full knowledge of the law as it existed, and he proposed to leave out of the Pre-

amble, "not intending to offend nor being aware that they were offending against the said recited provisions of the said act."

Lord *George Bentinck* contended that the 9th of Anne, the law to which the hon. Gentleman had referred, did not apply to bets made upon horse races. And whatever might be the construction put upon that law by the Court, he was quite sure that if Lord Eglingtoun were sued for penalties under that act, no Yorkshire jury would give a verdict against him. If the parties who had been proceeded against were obnoxious to the operation of the Act, they had erred through ignorance of the law.

Mr. *Roebuck* objected to the admission of the principle, that ignorance of the law was a good plea against the liabilities of its infringement. He wished to see those words struck out of the Preamble which, by recognising that principle, introduced a dangerous precedent, which might be turned against them. If they relieved the rich man from the penalties to which he was liable, on the plea of ignorance, how could they refuse to do so in the case of a poor man who broke the law, and offered the same plea?

Mr. *M. Gibson* hoped his hon. Friend would insist upon the omission of the words. The parties could not plead ignorance of the law. He held in his hand a book which had been published on the law of gaming, by a barrister named Edwards, in which it was clearly shown, and cases were cited, in which it had been ruled by the Court that a bet for more than 10*l.* made upon a horse race was gaming under the statute of Anne.

Mr. *James S. Wortley* contended that the law of Anne was never intended to apply to horse racing. In this case the actions which had been brought against the parties for penalties were vexatious and extortionate, and that was the only ground for calling for the interference of Parliament. The parties, if they had erred, had done so through ignorance, and as there were doubts as to the true meaning of the law, it was necessary that they should be removed.

Mr. *Roebuck* would put the case of a countryman coming to London and found begging in the streets. The excuse of ignorance of the law would not avail him if brought up before his hon. Friend near him (Mr. Alderman Humphery), or any other Magistrate, but he would be committed to prison probably for two months, for infringing an Act of Parliament. If rich men broke the law the plea of ignorance ought to be equally unavailing with them.

Mr. *Hawes* objected to the Bill altogether. The Bill was, in fact, a Private Bill, the object being to relieve certain private individuals from liabilities they had incurred. The preamble of the Bill had not been proved.

Sir *R. Peel* thought that the principle involved in the Bill was one of considerable difficulty. He would vote in favour of the Bill, although he thought that those cases in which Parliament interfered to intercept the operation of the law were attended with great difficulty, and open to many objections. It was the peculiar circumstances of the present case which made him ready to grant the relief asked for. He apprehended that there was a general impression through the community that the law in reference to Horse Racing could not bear the construction which was sought to be put upon it. He did not believe that any one thought that betting on Horse Racing subjected those who did bet to enormous penalties, and he thought that the enforcement of these enormous penalties would be extremely unjust and objectionable. On these grounds there was sufficient reason for the House to interfere in the present case. At the same time he considered that it would be better to omit the words from the Preamble which involved the principle that ignorance of the law entitled a party to exemption from the penalties attached to a breach of the law. He was quite aware that there had been general ignorance upon the point in question, but he did not think that the insertion of the words referring to it would aid the case. His vote would be upon the grounds of the peculiar nature of the case. There was a very general impression abroad as to the enormity of the penalty; but if the principle were broadly stated that ignorance of the law warranted impunity in the breach of the law—such a plan of procedure, so far from aiding, would prejudice the case, and he would strongly advise those hon. Gentlemen who were concerned in introducing the Bill, not to subject the Measure to the prejudice which it would excite were the Preamble allowed to remain as it was. There were other classes

in the community who were more unprotected than that class in whose favour indemnity was at present sought, and if the principle in question were once introduced they would be bound to carry it out.

Mr. *James S. Wortley* saw the objection to the words in question. They had not been originally inserted by him, and he would readily consent to their being struck out.

Mr. *Watson* did not understand the argument of the right hon. Baronet. He did not know on what grounds relief was claimed, if not upon the ground of ignorance of the law.

The *Attorney-General* advised that all the Preamble should be omitted, excepting the words relative to the doubtful state of the law upon the point in dispute. He quite agreed with the hon. Member for Bath as to the impropriety of introducing the words relative to the ignorance of the law, and he thought that the hon. Gentlemen concerned in the Bill ought to take it as it was offered, and be glad to get it.

Mr. *T. Duncombe* objected to the striking out of the words in question. He thought that had they not been in the Preamble the Bill would never have been brought to the stage at which it now stood. Why, the excuse and the reason for the Bill had been the ignorance which prevailed upon the subject. He could understand, however, why striking out the words referring to ignorance of the law, might be a favourite scheme on the other side of the House. They might create or put in force some law in Ireland which nobody knew any thing about, and then, when some other parties came down to ask for a Bill of Indemnity, pleading that the people proceeded against did not know that they were committing an offence in attending, say meetings, monster meetings — the opposite party could say, "Oh, ignorance of the law does not excuse you." He should certainly divide the House against the proposition for the omission of the words.

The Committee divided on the question, that the words proposed to be left out stand part of the Preamble:—Ayes 27; Noes: 81 Majority 54.

List of the AYES.

Barnard, E. G.	Brotherton, J.
Bellew, R. M.	Busfield, W.
Bernal, Capt.	Butler, hon. Col.
Butler, P. S.	Peel, J.
Colvile, C. R.	Phillpots, J.
Easthope, Sir J.	Powell, C.
Fielden, J.	Rous, hon. Capt.
Hindley, C.	Tancred, H. W.
Hume, J.	Thorneley, T.
Kemble, H.	Wall, C. B.
Langston, J. H.	Williams, W.
Maher, N.	Yorke, hon. E. T.
Muntz, G. F.	TELLERS.
O'Connell, M.	Duncombe, T.
Pechell, Capt.	Watson, W. H.

List of the NOES.

Arundell and Surrey, Earl of	Howard, hn. E. G. G.
Baillie, Col.	Humphery, Mr. Ald.
Baring, hon. W. B.	Hussey, A.
Baring, rt. hon. F. T.	Inglis, Sir R. H.
Barrington, Visct.	Jones, Capt.
Bernal, R.	Knatchbull, rt. hn. Sir E
Blackburne, J. I.	Lincoln, Earl of
Borthwick, P.	Lockhart, W.
Bruce, C. L. C.	Manners, Lord J.
Buckley, E.	Marjoribanks, S.
Chetwode, Sir J.	Marsland, H.
Christie, W. D.	Martin, C. W.
Darby, G.	Morris, D.
Davies, D. A. S.	O'Brien, A. S.
Denison, J. E.	O'Connell, M. J.
Dickinson, F. H.	Packe, C. W.
Douglas, Sir C. E.	Pakington, J. S.
Duncombe, hon. A.	Peel, rt. hon. Sir R.
Dundas, F.	Pollock, Sir F.
Ebrington, Visct.	Pringle, A.
Eliot, Lord	Rice, E. R.
Elphinstone, H.	Richards, R.
Evans, W.	Roebuck, J. A.
Flower, Sir J.	Round, J.
Follett, Sir W. W.	Rumbold, C. E.
Forester, hon. G. C. W.	Rushbrooke, Col.
Fremantle, Sir T.	Russell, Lord J.
Fuller, A. E.	Seymour, Lord
Gaskell, J. Milnes	Smith, B.
Gisborne, T.	Smith, rt. hn. T. B. C.
Gill, T.	Somers, J. P.
Gibson, T.	Staunton, Sir G. T.
Goulburn, rt. hon. H.	Stuart, W. V.
Graham, rt. hn. Sir J.	Sutton, hon. H. M.
Grimsditch, T.	Trotter, J.
Hawes, B.	Walker, R.
Hayter, W. G.	Walsh, Sir J. B.
Hinde, J. H.	Wellesley, Lord C.
Hodgson, R.	Wood, Col.
Hope, hon. C.	TELLERS.
Horsman, E.	Mackenzie, W. F.
Houldsworth, T.	Wortley, hon. J. S.

On the question that the Preamble with the omission of those words be agreed to.

Lord *John Russell* said, that if the words were omitted, they would be in fact passing a Bill without any reason for it being assigned on the face of the document at all. Now, with respect to common informers, it had been the policy of

the Legislature—perhaps a good policy, perhaps a bad one, but as he himself thought a bad one—in effect to say there were crimes the punishment of which was not easily enforced, except by means of common informers. They had, therefore, given the informer an interest in the conviction. It certainly did appear somewhat extraordinary after that to turn round and say that because an action had been brought by a common informer that therefore such an action should be stopped. He would not take upon himself to suggest any course to the hon. Gentleman in charge of the Bill; but he would say, that he quite agreed with the principle, that when a law had not been acted upon for a great many years, and when people had gradually come into the belief that no such law existed, it was quite right to stop proceedings instituted for penalties under such a law. But with respect to the informer, he might read the Statute by which it was provided that upon a conviction he should obtain certain advantages, and then was he to be told that Parliament was immediately to step in, and stay the proceedings which a Statute of Parliament provided should, under certain circumstances, result in an advantage to himself? He should be glad to hear some better reason for the Bill.

Mr. *James S. Wortley* said, he was placed in a difficult position between the advices and suggestions which were tendered to him. There could be no doubt, however, that the real reason why the Bill was introduced was because the actions had been brought by common informers for penalties totally disproportionate to the offence, even had the parties charged been conscious that in acting as they had done they had been committing any. He must insist on retaining the words in the Preamble.

Mr. *Hawes* thought that the Preamble was imperfect as it stood, and that some words should be introduced, to the effect that as the penalties were so utterly disproportionate to the offence, that therefore they should not be allowed to be levied—that would be an intelligible reason for the Bill. However, if the hon. Gentleman in charge of the Bill wished for some time for consideration, he conceived there would be no objection to postpone the Preamble.

The *Attorney General* said, perhaps this alteration would answer all purposes—"Whereas several proceedings have been instituted at common law at the suit of informers or others than actual losers, and whereas no similar proceedings have been instituted at law for about 100 years, it is expedient that they should be stayed."

Mr. *T. Duncombe*: If the hon. and learned Mover of this Bill had not taken the counsel of the right hon. Baronet opposite, (Sir R. Peel), we should never have heard of this innovation, and have gone on smoothly in the good old Conservative way. There was no proof that the persons prosecuting these actions were not actual losers. Ithad been said that some of them had actually lost money. It would have been much better to have allowed the word suspension instead of discontinuance to have stood in the Bill. If this change had been effected, we should have been delighted and edified at this hour by the Attorney General for Ireland.

Mr. *Brotherton* said, that he thought the people of England had just cause to complain of the conduct of this House in wasting so much time in an attempt to screen certain noble Lords and Gentlemen who had been guilty of committing a breach of the law. It is said they were ignorant of the law; but would any man say, that in betting such large sums on horse-racing, they were not aware that they were committing a great offence against society? How can you expect the poor to be moral and orderly, when the rich set such examples? It was said that the penalties were disproportioned to the offence. These penalties were large in consequence of the enormous sums of money which were betted. He considered that all the arguments which had been urged in favour of the Bill were but intended to shield an extensive system of gambling. He regarded the Bill as tending to encourage gambling rather than to suppress it. Ignorance of the law was not regarded as an excuse for the Dorchester labourers, who were transported; and yet because the parties implicated in the present case had incurred penalties to the amount of half a million of money, they were to be protected. He should protest altogether against the Bill, as he thought the rich should be made amenable to the law as well as the poor.

Sir *R. Peel* said, the hon. Member for Finsbury had shown good reasons for his objecting to make ignorance of the law a ground for staying those actions, because he said it was probable that he should

bring forward a Motion exempting other parties from punishment on the same ground. As it was very probable that he should oppose any such motion if made, he certainly had objected to make ignorance of the law a ground of indemnity for offence. But here parties were exempted, not on account of ignorance of the law, but because the penalties were considered enormous, and laws were found in force which were never supposed to apply to horse-racing.

Preamble, as altered by the Attorney General, was agreed to.

House resumed. Bill reported.

STATE OF IRELAND — ADJOURNED DEBATE (SEVENTH NIGHT).] Mr. *T. B. C. Smith* (Attorney-General for Ireland) resumed the Adjourned Debate, and said, the hon. and learned Member for Worcester (Sir T. Wilde) having thought it right at the close of the debate that morning to bring forward charges against him with respect to the mode in which he had conducted the recent prosecutions in Ireland, and having gone the length of imputing to him, not perhaps in express terms, but by insinuation, matters reflecting personal dishonour on himself, he trusted he should be permitted by the House to lay before them his defence. The course which he meant to adopt was this: He had not, unfortunately, had the opportunity of hearing the whole of the debate. He had, however, heard a portion of it, and as some matters had been adverted to by other hon. Gentlemen which had not been noticed by the learned Member for Worcester, he thought the fair course for him to adopt was—to go into the details from the commencement to the close of the case, to trace every step that he had taken in the conduct of that prosecution, and to state the grounds on which he came to the conclusions he did on every branch of the case. The earliest period to which it was necessary to advert, was the period when the informations were sworn; he believed it was about the 15th or 16th of October. The first circumstance which occurred after the informations had been sworn was one of the most extraordinary nature, which was adopted by one of the defendants—a circumstance to which he thought it necessary to advert, because, to a certain extent it regulated the course which he (Mr. Smith) adopted with respect to one of the applications subsequently made to the Court of Queen's Bench. What he alluded to was this:—A few days after the informations were sworn there was not a street in the city of Dublin in which the principal witness on the part of the prosecution was not placarded as a spy and a convicted perjurer. And to give the House an idea of the course which had been pursued by those who had declaimed so much against the administration of justice in Ireland, he would state that one of those placards was headed thus: — "Substantiated charges, of wilful and malicious perjury of of Hughes, the Government spy and informer, against the Liberal press." That gentleman had been employed over and over again as a shorthand-writer before the Committees of that House, and he had given his testimony at the late trials in such a manner that Mr. O'Connell, in his address to the Jury, passed an eulogy on the candour and fairness with which his evidence had been given. This was the Government spy—this was the Government informer, and the convicted perjurer. He noticed this at the outset of the case, because it was his opinion, that there never was such a defence as had been set up in this case. Mr. Hughes was the man who, for the purpose of defeating the ends of justice, was proclaimed and placarded on all the walls of Dublin to be a convicted perjurer. This course being adopted at the outset, this attempt having been made to prejudice the prosecution before the bills of indictment could have been sent up to the Grand Jury, informations for perjury were tendered to the Justices in Dublin against Mr. Hughes on the 20th of October; and the extraordinary course adopted, was that of attempting to turn the accuser into the accused, and to enable those who were charged with crime to come forward as accusers. The divisional Justices, in the discharge of their duty, refused to receive those informations. Four days afterwards the Commission was opened in Dublin. He would state, for the information of the English Members, that the Commission Court in Dublin was held by two Judges of the land, and at that court the criminal cases arising within the city and county were disposed of. The parties who had thus preferred an information against Mr. Hughes had an opportunity then of preferring an indictment if they

had thought proper. They, however, never went to the Commission Court, but allowed it to pass by without preferring any indictment against Mr. Hughes. On the 3rd of November, the second day of term, the bills of indictment against Mr. O'Connell and others were laid before the Term Grand Jury; and on the 6th of November, the bills being still before the Grand Jury, the course that was adopted was this:—An application was made on the part of the defendant Mr. Barrett, to the Court of Queen's Bench for an order in the nature of a writ of *mandamus*, to compel the divisional Justices to receive the information which had been tendered on the 20th of October. An opportunity was thus afforded to Mr. Barrett's Counsel to state publicly the charges of perjury against Mr. Hughes. The object being, that the statement should be published and should go before the Grand Jury, while the bills against Mr. O'Connell and others were pending and undisposed of. The question which Mr. Justice Perrin put to the counsel was this,—"Why did you not go to the Commission?" The answer was,—"Because we must have produced the original information, and an order of this Court was necessary." The reply they got from the Court was this—"Mr. Justice Burton was one of the presiding Judges, and if you had asked him he would have issued an order for the production of the original information, and there was nothing to prevent you from tendering the information before the Grand Jury." That would not have answered their purpose. The bills, as he was justified in saying from the confession of the defendants themselves, who had acknowledged the upright conduct of the witness, would have been ignored. It would not have answered their purpose, they therefore adopted the course they did. They were then told,—"The Court will not grant this order in the nature of a mandamus; send up the bills of indictment, if you please, before the Grand Jury now sitting." They were obliged to accede to the suggestion on the part of the Court, and from that hour to the present no bills of indictment had been preferred against Mr. Hughes either in that Court or in any other Court in Ireland. Such was the course adopted by those declaimers for the fair administration of justice. Such was the course of proceeding adopted against a gentleman whose character they now acknowledged themselves to be without reproach. The next step he should advert to was the period when the bills were found. The bills were found on the 8th of November. On that day the bills of indictment having been brought down at a late hour in the afternoon, four or five o'clock, the defendants required copies of the indictments. They were entitled to copies under the statute of the 60th of George III., and free of expense. They applied for eight copies of the indictments, and, fortunately, eight copies were ready and handed to them, it having been anticipated they would make such a claim. Having got the eight copies, it then suggested itself to the minds of some of the attornies for the defendants, the day but one after that on which the copies were served, that possibly, in such a long indictment, there might be a clerical error. They, therefore, applied for liberty to compare the indictment with the original, with the view of founding an application for a new rule to plead, if there should be any error. Fortunately, sufficient care had been taken to prepare the copies. The eight copies were all correct, and the first step in delay failed. Upon the 9th of November, the four-day rule to plead was entered under the 60th of George III. Delay being still the object, in order, if possible, to avoid pleading the general issue in the course of that term. The next proceeding was to serve nine notices of motion, on the 11th of November, which he had in his possession and could produce, to set aside the rule to plead; because true copies of the indictment had not been furnished, pursuant to the Act of Parliament, the names of the witnesses endorsed upon the bill of indictment not having been endorsed upon the copies. It occurred, however, to the parties who framed those notices that it would be very difficult to persuade the Court that the application was not made for the purpose of delay, because it would have been impossible to explain why the names of the witnesses were important for the purpose of pleading, though they might have been for the trial. Accordingly, three of the parties served other notices, simply asking for the names of the witnesses, endeavouring to keep out of the view of the Court what their object was. Had they succeeded on three latter notices, they would then have had recourse to the

other nine notices. He considered it necessary and proper, as he knew those proceedings were taken for the purpose of delay, and for no other purpose whatever, to oppose that application, and to argue before the Court, as he did successfully, that the names of the witnesses were not a part of the indictment; and, indeed, no lawyer could say that they were, for this obvious reason, that the names of witnesses were never entered on the record when it was made up. He successfully resisted that application, which he believed to have been made for the purpose of delay. That attempt having failed, another application was made, to set aside the rule for pleading, because the caption was not included in the copy of the indictment; and the question was, whether that formed properly a part of the indictment. The Court ruled that it did not; and that there was no instance in Ireland where it had ever been furnished. It was argued on the part of the traversers that the caption was a part of the indictment. He referred the Court to *Lord Hale's Pleas of the Crown*, and to a case which occurred before Lord Mansfield, and established the fact that the caption was not a part of the indictment; and the defendants were, under the Statute, only entitled to a copy of the indictment. All he sought for was to avail himself of the usual practice of the Court. On that occasion one of the Judges differed in opinion from the rest. Mr. Justice Perrin thought that the caption formed part of the indictment; but, at that time, he had overlooked a passage in *Hale's Pleas of the Crown*, and he afterwards said, he was not aware of the opinion laid down in that authority. Though Mr. Justice Perrin was dissentient, the majority of the Court were with him (the Attorney General) and decided upon the question according to the views he had advocated. The next step that was taken, was to tender pleas in abatement; there were either eight or nine, he did not remember which, because he did not know whether Mr. Tyrell was alive or dead at the time. The day on which those pleas in abatement were tendered was Tuesday the 14th of November, and they being tendered, it was sought to raise this question, that the indictment ought to be quashed, because the witnesses had been sworn before the Grand Jury agreeable to the Statute 1st and 2nd of Victoria, and not in open court. Those pleas were tendered for the purpose of delay only, and therefore he resisted them on the ground that a plea in abatement ought to be tendered at the arraignment of the party, or within four running days after arraignment; but the four days had expired when those pleas were tendered, and he felt it his duty, knowing that those pleas were merely dilatory, to resist them as being tendered at a period of time not warranted by law, and put in for the purpose of preventing him from pressing the traversers to put in their plea of guilty or not guilty in Michaelmas term. The Judges held, he admitted, that those pleas were tendered in time; and accordingly, on the following morning, the 15th of November, the day upon which the point was argued before the Court, the pleas were received, and he forthwith without a moment's delay, took demurrers to every one of those pleas. It must suggest itself to the minds of every person that the parties had had five days to take their course, to prepare those pleas and to determine on their validity, and to anticipate every objection and argument against them, whereas he had but a short time for consideration, yet they persisted in asserting that they were entitled to four more days to determine whether they would abide by their pleas or not, and file joinders in demurrer. At the end of these four days, which was on the 20th of November, he applied to have the demurrers fixed for argument on the following morning, it being, he might say, essentially necessary that they should be argued at that period of the term, and disposed of without delay, because if he succeeded in showing that they were invalid, he could enforce the plea of the general issue in the Michaelmas term. But the traversers objected to argue the demurrers, and applied for another four-day rule to compel the Crown to join in the expense of paper books, and the right hon. and learned Member for Dungarvon, who was counsel for one of the traversers, at the same time insisted upon his right to bring on another case, the case of Lord Hawarden, in which he was also engaged. Every attempt was made to resist the arguing of those pleas, and to create delay. He (Mr. Smith), however, succeeded in having the argument fixed for the following morning; and he would ask any un-

prejudiced person not intending to find fault with a political adversary, but with a public officer, whether he had done anything that he was not entitled to do in resisting unnecessary delays connected with the trial. The case was argued on the 21st of November, and the Court unanimously decided that the pleas in abatement were invalid, and the demurrers taken on the part of the Crown were all allowed. He was able to establish to the satisfaction of the Court that Chief Baron Woulfe and Mr. Justice Moore, immediately after the passing of the Statute of the 1st and 2nd of Victoria, had decided in the same way. From that time, the invariable practice had been to swear the witnesses before the Grand Jury, and not in open Court. Had he taken the other course, the traversers would have immediately put in pleas of abatement, that he should have sworn the witnesses before the Grand Jury which pleas would have succeeded, because he would then have departed from the usual practice, and the indictment would have been quashed. Upon the authority of "The King against Johnston," in *East's Reports*, he called upon the Court to give an immediate judgment of *respondeas ouster*; but that was opposed, as well as every other point, by the traversers. At length, on the 22nd of November, he extorted from them the plea of not guilty. He did not deny the right of Members of that House to call him to account, as he was a public officer, responsible for his public conduct; but he appealed not only to that House, but to the British public, whether he took any step from first to last in this business which it was not his bounden duty to take, so long as the parties resisted the law and refused to put themselves on their country, and to allow the question to be investigated, whether they were guilty or innocent of the charges made against them. He then had the proper notices served to fix the trial for the 11th of December, under the Statute of the 1st and 2nd of Willian IV., which authorised the Court to fix a trial at bar in the vacation. The traversers then put in affidavits, and long affidavits, which he received at a late hour of the night, praying for delay upon two grounds—first, that from the magnitude of the case they had not had time to prepare for trial; and, secondly, that the Special Jury List for the year 1843 contained but 388 names, of which there were between fifty or sixty Roman Catholics, several of whom were not enabled to attend in consequence of one disqualification or another; and that there were only twenty-five Roman Catholics in the lists for 1843 capable of serving, and therefore the traversers could not have a fair and impartial trial on the 11th of December. Now that Jury List was made out in October, 1842, long before any prosecution of this kind was contemplated. And that Jury List had served all the purposes of civil and criminal trials up to the period of the affidavit having been filed without the slightest complaint being made by any single human being. That list had been made out when there was no impending trial, and was up to that time never complained of. He thought he might have succeeded in opposing the motion of the traversers upon that occasion, upon the ground that it was a list of which they could not legitimately complain. Yet, though he had been charged by the hon. and learned Gentleman (Sir T. Wilde) with desiring to obtain a verdict *per fas aut nefas*, he consented to a postponement of the trial. He pledged his word of honour that he did so solely upon the ground that the Jury List was complained of. He thought, then, that so far as he had gone he had cleared himself to the satisfaction of all men, at least of those whose political animosity did not pervert their better judgment and make them personally hostile, from the charges brought against him; he thought, up to this point, he had convinced every impartial person that he had acted fairly. The trial having been postponed with his consent until the 15th of January, he objected to any further postponement, as the Special Jurors List for 1844 would be in force on the 1st of January. But he certainly did not consider that the jury list would take so long to prepare, and he was under the impression, that the clerks did not use so much diligence as they ought to have used. Four days' notice for striking the Special Jury was necessary, and, according to practice, the Jury must be summoned six days before the trial; therefore it was obvious that there was no time to lose—and the 26th of December was, I believe, the last day for issuing the summonses. But at that time the Sheriff had not received the Jurors' book from the clerk of the

peace. However, on the 29th or 30th of December, the lists having been copied into the Jurors' book by the clerk of the peace, the Book was handed to the Sheriff. Under the Act of the 3rd and 4th of William IV., it was the duty of the Sheriff to make out within ten days, a Special Jury list, from the Jurors' book. According to the Sheriff's statement, he did attend before the proper officer on the 3rd of January, with the Special Jury list for 1844. One of the charges brought against the Crown was, that according to the statement of Mr. Mahony, when application was made to the Crown solicitor to consent that the clerk of the peace should give copies of the Special Jury list to the traversers, Mr. Kemmis did not consent. But why? He was most desirous to have a copy of the List, and he was totally ignorant of the Jury list until nine o'clock on the night of the 3rd of January. But he considered, and considered rightly, under the Act of Parliament, that the Jury list and the Jurors' book, were not complete until they were in the hands of the Sheriff, who was the officer to make out the Special Jury List. And yet the Crown had been called upon to consent that the Clerk of the Peace should furnish a copy of the Special Jury List which could not by law be made out by any person but the Sheriff; and the Crown knew, that if such a list had been furnished, and there had been the slightest clerical error in the name or address of any of the Jurors, there would have been beyond doubt an application to the Court to postpone the trial. It would have been said, if such a list had been furnished—"Here is a copy of the Special Jury list, furnished with the consent of the Crown, and how can you ask us, the traversers, to go to trial with such a Jury list which does not correspond with that made out by the Sheriff?" Although Mr. Kemmis was most anxious to obtain the List himself, still he could not enter into any consent, in consequence of knowing the sort of men they had to deal with. He did not mean the counsel for the traversers; he did not mean the attorneys for the traversers, but Gentlemen acquainted with legal proceedings know that there are in every case of that kind, persons instrumental in getting up the defence who are constantly taking steps which are disavowed by their principals. He apprehended, that if he went out of the precise words of the Act of Parliament, and consented that they should have a copy of the Special Jury List, furnished by the Clerk of the Peace, who had no authority to make it out, and there should be a mistake even of a Christian name in it, it would be the foundation for dilatory proceedings, and he had sufficient experience of the construction—the malignant construction—put on every act of his, to feel it necessary to adhere to the strict principles of law, unless he could be perfectly safe, as where by his own voluntary act he postponed the trial at the request of the traversers in order that the case might be tried by a jury selected from a list revised under the inspection of their own attorneys. Now, what had been the nature of that revision? What was going on in Ireland at that period? Why that which every honourable and fair man must visit with the strongest feelings of reprobation. He (Mr. Smith) held in his hand copies of printed notices signed by Mr. Mahony, the attorney for several of the defendants, whose names were printed at the head of the notice. One was a notice calling upon every Repealer to take measures to place his name upon the Special Jury Panel. Of this he did not complain; but he did complain that at the same time notices were served, notices signed by the same Mr. Mahony, upon the most respectable Conservatives of the city of Dublin, telling them, that if they did not appear in the Revision Court to support their right they would of necessity be struck off the List. And they did this not with a view to strike off unqualified persons, for those Conservatives on whom the notices were served were as well qualified as any Jurors in Dublin, but to remove every person politically opposed to them, and to pack the Jury with men entertaining Repeal opinions. Yet these were the persons who declaimed about the unfair Jury, and unbiassed administration of justice. Knowing all these proceedings although he was entitled to go to trial with the Jury Panel of 1843, although he felt that his conduct might probably not be approved of by the party with which he was usually connected, he did not from a desire to force a conviction *per fas aut nefas*, but from a desire to give what the traversers asked for, as necessary to a fair trial, he did consent to a postponement of the trial, in order that the Jury might be struck from the Jurors' Book for 1844. As it ultimately turned out,

notwithstanding the omission of the names, there were 188 Catholics on the Special Jury List for 1844, and only twenty-five on that for 1843, and yet he was made obnoxious to the charge of wishing to convict the defendants without the slightest regard to the mode in which the convictions were obtained. Of this, at least, he was sure, that he should obtain a verdict of acquittal from a British House of Commons, and from the public. The next proceeding was on the 3rd of January, when the parties attended before Mr. Bourne, the Clerk of the Crown. The proposal was then made by the defendants' attorneys that the striking and drawing of the Jury should be adjourned and that persons should attend at the Sheriff's office on the part of the defendants, and on the part of the Crown, and should get copies of the Special Jury Panel. This had been consented to by both parties, and the Crown Solicitor did not see (as was stated in the affidavit of Mr. Kemmis) the Special Jury List until nine o'clock on the evening in question. On the 4th of January the parties respectively attended before the proper officer, and on that occasion Mr. Ford appeared as the attorney for Mr. O'Connell, and Mr. Cantwell appeared also for the other traversers; and he admitted, they handed in a protest against the officer proceeding to draw the forty-eight names by ballot, alleging, that sixty-five names had been omitted from the Panel, of which fifteen were Roman Catholics. Now, the Crown Solicitor, as he stated in his affidavit, was utterly in ignorance of what had taken place in the revision of the List of Jurors. He had most properly required the officer to proceed to draw the forty-eight names, and accordingly in the presence of the several and respective attornies for the traversers or defendants, and under the provisions of the Jury Act, 717 numbers were put into the ballot-box, and in the presence of Mr. Ford and Mr. Cantwell, Solicitors for the traversers, whom he believed actually shook the box, the list of forty-eight names was drawn, and, in pursuance of the provisions of the Act, the traversers got a copy of that List, and there was an adjournment of twenty-four hours, in order to allow each party, the Crown and the traversers, an opportunity of determining and deciding upon the names they should respectively strike off. On this part of the case, he must say, that a great misapprehension had prevailed as to the proceeding which the statute provided in respect of Special Juries, and the mode in which they were (as it was technically called) struck. He, in the first place, denied that the striking off by each side from a Panel of forty-eight names of twelve names was to be considered at all in the nature of a challenge. The Legislature never so contemplated it. Forty-eight names were drawn by ballot out of a List of 717, and the Legislature required, and did not leave it optional, on the contrary, it was imposed as a duty that each party must strike off twelve names, and thus that the List should be reduced to twenty-four. Was it the policy of the Legislature that the parties who struck off the names from the Jury List should be called upon to state the reasons upon which the names objected to were expunged? If such a practice were pursued, it would place every Special Juryman in a most unpleasant position, inasmuch as an objection to his name on the Panel would lay before the public the reasons which induced and led to its removal; but he averred, with the utmost confidence, in the presence of many distinguished members of the English Bar, that it never had been in the contemplation of the Legislature that the privilege to "strike off" from a Special Jury List should give advantage to one side more than another. The representatives of the Crown in Ireland have not called upon the other side to account to them or the public why they had struck off the names of the twelve gentlemen whom they, in the exercise of the powers and discretion reserved by the Act of Parliament, had struck off. It had been said, however, that in a criminal case it was the privilege of the traversers to call upon the Crown to show cause as to each of the twelve names they chose to strike off from the Sheriff's Panel. Up to this hour, such a construction of the Act of Parliament had never been heard of. On the 12th of January, term having commenced, a motion had been made in the Court of Queen's Bench in Ireland,—a motion of which the hon. and learned Member for Worcester had spoken, that the Panel of the Special Jury should be quashed, set aside, and cancelled. And what was it that the hon. and learned Member for Worcester felt himself justified in stating the other night? Why, that if an English Attorney General

had been called upon to consent to the quashing of that Jury List, he would have had sufficient regard to his own honour and character as to have induced him to consent to the application. The hon. and learned Gentleman had not condescended to tell the House what was to be done as soon as the List was quashed. He charged the hon. and learned Member for Worcester, with practising a delusion upon the House and the country, when the hon. and learned Gentleman had not condescended to communicate to the public what in his judgment would be the consequence of such a proceeding with reference to the Jury List, as last night had been recommended by the hon. and learned Member. Now he would take that opportunity of explaining to the public and the House the consequences which would have arisen from the assent which it had been said the Law-officers of the Crown ought to have given to the proposed alteration of the jury list, and in stating those consequences, he begged to tell the hon. and learned Member for Worcester that honour and integrity of purpose were not confined to English Law-officers, and that there was as much honesty and integrity to be found amongst the members of the Irish Bar as with the best of their brethren in England. He should now explain to the House and the public that which the hon. and learned Member for Worcester had not found it convenient to endeavour to explain. On what principle was it that he ought to have consented that the Panel should be quashed? The Court of Queen's Bench in Ireland, with Mr. Justice Perrin on the bench, a lawyer who had been the Attorney General of a Liberal Government, concurred in the expressed opinion of the rest of the Bench, that the Jury Panel ought not to be quashed; but what would have been the consequence? The Panel could not have been quashed except on the ground that the Special Jury List of 1844 was a nullity. The Court of Queen's Bench in Ireland, however, decided otherwise, and that Court held that no right existed to interfere by a *mandamus* with the Recorder's Court. It had, however, been said that he, as Attorney-General, ought to have consented to an amendment of the Special Jury List by adding the omitted names. Did those who said so remember that there were other causes to be tried besides that of "The Queen v. O'Connell and others?" He asserted this as a legal proposition, which, though it might not be assented to by those Whig aspirants to office with whom the hon. and learned Member for Worcester might gossip in Westminster Hall, would meet with concurrence from all acquainted with the laws of England who were unbiassed by party considerations, that he could not legally, properly, and constitutionally, assent to the addition of a single name to the Jurors' Book; if it were not so it was somewhat singular that a leading counsel for the defence in Ireland should have exhibited indignation because he imputed to that Counsel the expression of such an opinion. But what would have been the consequence of adopting the suggestion thrown out last night by the hon. and learned Member for Worcester, as to quashing the Jury Lists? Why it would have interfered with every cause to be tried in the city of Dublin. Again, the 11th section of the Jury Act provided—

"That in the event of any failure in the preparation of the Jury Panel for any particular year, all causes are to be tried by the Jury List of the year before."

And what then was the proposition of the hon. and learned Member for Worcester? Why, that he (Mr. T. B. C. Smith) should have quashed the Jury Panel containing the names of 188 Roman Catholics, and have tried the cause out of a Jury List comprising only twenty-five Roman Catholics. Or, as a further alternative, he must have consented to the postponement of the trial of the case of "The Queen v. O'Connell and others" until the year 1845. This was the course which it had been said he ought to have adopted, and it had also been urged that an English Attorney General would have had sufficient regard to his own honour to adopt. If the House would not take his word on the point, it would not hesitate to take that of Mr. Justice Perrin, who said:—

"I cannot but think that there was great negligence and a gross want of care in the way in which authentic documents have been treated; and I am not prepared to say that the whole was the result of mere accident. The Court, however, has no power to quash the Special Panel, without notice to the parties concerned, nor have we any right to go out of it. The proper course, if there has been any misconduct or gross neglect on the part of the officer, is to proceed against the party who is guilty; but here no misconduct is charged upon any of the persons concerned for the prosecution. The fact of misconduct has been

suggested against others, but none whatsoever against any engaged in the prosecution; and upon the other grounds stated I concur in the judgment of the Lord Chief Justice."

Now he came to explain what was the nature of the imputation which had been made on this point; and he would take the opportunity of saying at once, that he did not find any fault with Mr. Justice Perrin with respect to the remarks he had thought proper to make, but the imputation was conveyed in an affidavit of an extraordinary character, which had been adverted to by the hon. and learned Member for Worcester (Sir T. Wilde). He should read the passage, which was from an affidavit of Mr. Mahony, and he ventured to say that there was no Court in Westminster Hall (and he said it in the presence of his hon. and learned Friends, the Law-officers of the Crown in England, who would contradict him if he were wrong) who would act on an imputation of undescribed fraud, no suggestion being made what that fraud was or by whom committed. The affidavit stated that—

"That deponent, in company with two others of the agents for the traversers — namely, Messrs. Ford and Cantwell, attended next day at the office of the said Walter Bourne, and then and there protested most earnestly against any further proceeding being taken in the striking of said Special Jury, on various grounds, but chiefly on the ground that a gross and wilful suppression of the names of persons qualified to be placed on the Special Jurors' List had taken place, and deponent is thoroughly convinced that such wilful and corrupt suppression did actually take place."

Now, let the House consider what this affidavit amounted to. Did the deponent swear that the omission did not take place by the agency of some party who might have been connected with the traversers? He would mention to the House what were the singular circumstances connected with this matter. Mr. Mahony, in his affidavit, detailed what he would say was an improper proceeding. Mr. M'Grath, the Deputy Clerk of the Peace, took this course which he said was not correct, for he furnished Mr. Mahony with everything he wanted, though the Crown could not get a document of any sort from his office. In fact, copies were furnished to the traversers day after day from Mr. M'Grath's office, and it was in this way that Mr. Mahony received copies of the collectors' lists, including, amongst others, the names said to be suppressed. Mr. Mahony was thus furnished with the names. This Mr. M'Grath was the man who mislaid the documents, as he says, in which the lost names were contained. Well, Mr. M'Grath having furnished the traversers with lists as prepared for revision, was afterwards, and after the revision of the lists, and after his right hon. Friend the Recorder had adjudicated upon them, applied to by Mr. Mahony to be allowed to compare the lists, which was permitted. Four persons sent to Mr. Mahony were permitted to make this comparison. In short, the other side got the run of the office; they went in and out at their pleasure; while the Crown, on the contrary, never could get one particle of satisfactory information from that office. Perhaps, now, the House might make a conjecture, if there was fraud in the matter, who it was that committed it. Next, as no reason was assigned in this affidavit for the deponent's belief that a fraud had been committed, the attention of Mr. Mahony and of the Counsel for the traversers was called to the fact, and yet when they put in the challenge to the array, they stated again an unknown and undescribed fraud, but directly or indirectly did not venture to name any person who had committed it. The hon. and learned Member for Worcester had said that Mr. Kemmis had made no answer to this affidavit. Now, he would take the liberty of reading what Mr. Kemmis stated, and which was all he could, and he was convinced that the answer would prove satisfactory to the mind of every unprejudiced person. Mr. Kemmis stated:

"That the said Messrs. Ford and Cantwell did object to proceed with the striking of the said Jury on an allegation that several of the names of persons qualified to be placed on the Special Jurors' List had been omitted therefrom, and did make many general charges and allegations in respect to same, but deponent saith that the said Panel having been submitted to the officer by the High Sheriff in the ordinary way, and this deponent not having, as aforesaid, either directly or indirectly, been concerned in the revision of the said Jury panel, and being ignorant as to the correctness of the allegations so put forward on the part of the traversers, did, as he conceived it his duty to do, call on the said officer to proceed to strike said Jury. And saith he was not in any respect party or privy to, or acquainted with any suppression of names from said Special Jury panel, if any such, in fact, occurred."

He (Mr. Smith) had gone frequently to Mr. Kemmis's, and asked if the Special

Jury List was made out, and if he had received a copy of it; and Mr. Kemmis had told him over and over again, that he had been to the Clerk of the Peace's Office, and could not get any satisfactory information upon the subject. So far as he had gone he did confidently feel this, that he could boldly appeal to the House and the country as to the propriety of his conduct with respect to the proceedings connected with this trial. He (Mr. Smith) insisted he ought not to have assented to the proposition for quashing the Special Jury Panel when the Court decided that he would not be justified in doing so, and if he had consented he must either have postponed the trial until the year 1845, or the traversers must have been tried by the Special Jury List of 1843; and he said that in the state of Ireland at the time he should have been guilty of a dereliction of his duty to the public if he had permitted the prosecution to be postponed for twelve months. The next ground of attack upon the conduct of the case, on the part of the Crown, was, that in the exercise of that duty which he conceived he owed to the Crown, but which he did not feel afraid to explain, he had struck off, as was said, eleven Roman Catholics from the Jury. That matter was introduced into the affidavit of Mr. Mahony, of the 12th of January, and he must say was improperly introduced, for this reason—that it had no relevancy to the grounds for the Motion stated in the Notice of Motion, and that it was simply introduced into the affidavit to furnish matter for newspaper paragraphs and libellous imputations, and he had a right, he thought, to complain, and he had stated to the Queen's Bench that he had a right to complain of the Counsel who opened Mr. Mahony's affidavit, for having omitted to state the answer of Mr. Kemmis. Now, Mr. Kemmis, in his affidavit, said, that he did not believe that eleven Roman Catholics were struck off, because he believed that only ten of the eleven were Roman Catholics, and that previously to the striking off of the twelve names he had received information, which he believed to be true, that those ten were either members of the Repeal Association, or subscribers to the Repeal fund. On that being stated to the Court, the right hon. Member for Dungarvon stood up, and said, that Mr. Kemmis was under a mistake in his affidavit; to which he (Mr. Smith) rejoined, that the affidavit ought to be contradicted by a statement on oath. The right hon. Gentleman said that an affidavit should be produced. That was on the 12th of January. He supposed the right hon. Gentleman made inquiry about it that day, but no affidavit was filed for nearly a month after; for it was nearly that time afterwards, when the Solicitor General, in the course of his speech in reply, observed, that the affidavit promised by the right hon. Gentleman had never been made. And what was the affidavit which was then made in consequence of the observations of the Solicitor General? Let the House understand that the name of every member of the Association was enrolled on its books. He had in his possession the printed book which was proved at the trial, and which was printed at the expense of the Association, from which the fact appeared. In books kept by the Association entries were also made of every shilling that was received, so that any number of persons—5,000 if it had been necessary—might have been called on to swear positively whether the eleven, or any one of them, were members of the Association or subscribers to the Repeal fund. This being the case, then, what was the affidavit which the right hon. Gentleman produced? An affidavit made on the hearsay and belief of four attorneys in the cause; and he stated it as a legal principle beyond all question, that if parties in the possession, and having the control or positive irrefragable proof of a fact, keep it back, and produce an affidavit on hearsay and belief, he said, that affidavit was not worth one farthing. But what, after all, was this affidavit on hearsay and belief? It only mentioned by name two individuals—only two out of the eleven. Now he did assert, that a deception had been practised by a portion of the public press of Dublin, day after day, upon the public mind in England by means of statements which were known to be false when they were made, for the parties who made them might at any time have gone to the Association and ascertained the truth, but by which the public mind was led to suppose that all or the greater number of the eleven were not connected with the Association either as members or subscribers. The only two persons named were William Hendrick and Michael Dunn, leaving the inference that Mr. Kemmis was correct as to

the remaining nine, for there was no denial of their being Repealers; but the point to which he wished to call attention was, not simply that Mr. Kemmis was correct as to the remaining nine, but that as to the greater number of the nine they had proof that Mr. Kemmis's information was most trustworthy; for they had ascertained that one of the nine had attended Repeal meetings both at the Rotunda and at Mullaghmast. Another had signed the requisition for the meetings at Mullaghmast. [*Name, name.*] He would not name those individuals, for if any Gentleman who wanted the names would send over to the Association he would find them there. What he asserted, and it was capable of contradiction if untrue, was, that one of those nine persons had attended the meetings at Tara and Mullaghmast, and the meeting at the Rotunda after the day of the Clontarf meeting; another had signed the requisition for the Mullaghmast meeting; another had signed another requisition; another had attended the dinner at Longford, where the speech respecting Lord Beaumont was delivered; another had attended the Mullaghmast Repeal banquet; another had signed a requisition after the prosecution had commenced, the advertisement concluding with the words "Courage displayed in the hour of danger, and friendship in the hour of peril." He supposed it would be allowed that was sufficiently explicit language. Another of the nine was a subscriber to the Repeal rent, and two more were openly and avowedly Repealers. Then with respect to Michael Dunn, who lives in St. Patrick's Ward, there was his affidavit that he was not a subscriber to the Repeal rent; but however Michael Dunn of St. Patrick's Ward signed a requisition in May 1842, requesting a meeting of the inhabitants of that ward to adopt such measures as might appear necessary for the effectual collection of the Repeal rent in that ward, and there was no resident of that name in St. Patrick's Ward at that time, but the person in question, as might be seen from the *Dublin Directory*. But it was immaterial whether it were so or not, for the House was not to enter on the inquiry; because it was only necessary for him to prove this, that Mr. Kemmis believed, as he swore, that ten of the parties struck off, professing the Roman Catholic religion, were either members of, or had subscribed to the funds of the Association; and he showed that he had good reason for making the statement, and on the 12th of January, when the affidavit was produced, he stated in it that he still believed his information to be correct. He asked whether or not he was liable to censure because he did not accede to the proposition of the traversers by quashing the Special Jury Panel, which would have had the effect, of either postponing the trial until 1845, or remitting the traversers to be tried by the panel of 1843, and whether it was his duty to have persons connected with the Repeal Association on the Jury to try this prosecution for conspiracy, the Overt Acts laid being, many of them, the meetings of that very Repeal Association. To make the case more clear and indisputable, there was a decided case in *Moody and Robinson's Reports*—he had seen the case that morning, but he had forgot the name of it—in which, under circumstances connected with a district in which a riot took place, it was decided that that was a good ground of challenge against any juror from the district. He wished to state distinctly, that he thought it would be a good ground of challenge to a common Juror, that the persons challenged were subscribers to the funds of an association the meetings of which were laid as Overt Acts in the indictment. He said further, that in the case of the Special Jury no reason being necessary to be assigned, under the Jury Act, for striking off jurors, there was nevertheless legitimate ground for striking off those the Crown had struck off. Some observations had been made by the hon. and learned Member for Worcester, in which he adverted to the statement of the right hon. Baronet (Sir J. Graham), he believed before he had been able to attend in his place, with reference to the Crown not having taken a common Jury, and the hon. and learned Member was pleased to say, that if a common jury had been taken, the Attorney General for Ireland, dared not—that was the expression the hon. and learned Gentleman used—have set aside a juror. Now he must confess, he was suprised to hear a Gentleman who had been a law officer of the Crown deny the prerogative of the Crown, and he must say, that though he could not if he had taken a common Jury have exercised that prerogative of the Crown without being subject to responsibility for doing so, yet he would have dared to set aside any jurors, if they had been Members of,

or subscribers to, the Repeal Association. But he had to observe, that he did not require instructions from the hon. and learned Member, as to what was his duty with reference to common Juries; for shortly after he came into office, without the knowledge of Her Majesty's Government, he had written to all the Crown Solicitors in Ireland instructions conformable to the orders issued by Chief Baron Brady. They had also been adopted by the hon. and learned Member for Clonmel (Mr. Pigot), by Mr. Blackburne, and by himself. He might mention, however, that one part of the instruction was, to set aside all publicans, and it did so happen, that one or two of those who were actually struck off the Special Jury were publicans. He must now take the liberty of calling the attention of the House to certain extraordinary proceedings, at which he was present as an eye-witness, and about which there could be no doubt. He would give an instance of the way in which Gentlemen opposite had acted in the administration of justice when they were in power. A gentleman named Pearce, a Chief Constable of Police, of high character and respectability, was stationed in the town of Carrick-on-Suir, in Tipperary, when it happened that a quarrel arose between the men of a company of infantry who had just marched into the town and some others who were already quartered there. One of these parties was joined by the townspeople, and a most formidable riot ensued, which finally compelled Mr. Pearce to order his picket to fire upon the rioters. The consequence was, that a boy, named Slattery lost his life; Mr. Pearce was put on his trial for life at the ensuing Clonmel Assizes, where he (Mr. Smith) was present, and where the right hon. Member for Dungarvon prosecuted Mr. Pearce for murder. Now, what was the course pursued by that right hon. Gentleman when the life of a fellow-creature was at stake? He could prove that every thing he asserted was true, and could give the names if necessary. Well, how had the right hon. Member acted? Why, he had set aside on behalf of the Crown thirty-six jurors, and of the first thirty so set aside, there were twenty-nine Protestants. That was an incontrovertible fact, and he threw it out for the serious consideration of that right hon. Member whether he could ever have laid down his head in peace, if that Gentleman had been convicted by such a Jury. He stated facts correctly; he defied contradiction; and in a case where a prisoner had a right but to twenty challenges, the Crown, under the auspices of the right hon. Member for Dungarvon, had struck off thirty-six persons, of whom twenty-nine were Protestants. And these were the parties who considered themselves justified in telling him that he durst not strike off any person from a Special Jury List; or as, indeed, that extraordinary assertion had been now qualified, "unless a sufficient cause was shown." He had never yet heard of "a sufficient cause" for striking off the names of the twenty-nine Protestants at Clonmel. Having made these observations, he would again advert to the circumstances connected with the challenge of the array of the Grand Jury Panel. The facts had been already substantially set out. When that question arose, he stated that if the defendants were right in their view of the law, if the book for 1844 was null and void, and if the Court of Queen's Bench were wrong in their adjudication, on his demurrer to the challenge, their judgment being on record, a writ of error would lie directly to the House of Lords. It was not necessary for that writ to go through the Court of Exchequer where the Crown was concerned, as that Court had a right of appeal only in civil cases. The defendants could thus go at once to the House of Lords. They would have a right to appeal, if they were so very confident? They might avail themselves of that right if they were correct? A charge had been brought against him in his absence by a gentleman with whom he had not been acquainted (although he was an Irish Member) until his arrival in England. From all he had heard and knew of that hon. Gentleman (the Member for Cork) he was persuaded that the hon. Member would not intentionally retail assertions which were not correct, and would feel sorry when the hon. Member heard his explanation of the fact to which he alluded. The hon. Member for Cork stated that he had been in the habit of compelling the attendance of the traversers of the Court of Queen's Bench throughout the whole of each day. There was not even the shadow of a foundation for such an assertion. He had only acted then as he should act again under similar circumstances. Now as to the facts. He believed, that with the exception of one day on which

Mr. O'Connell was stating his case to the Jury, and of another when he attended from a desire to hear the hon. Member for Dungarvon, Mr. O'Connell was not ten minutes in Court on any day throughout the whole of the trials. He had never thought of looking or inquiring whether Mr. O'Connell were there or not; and he would have thought it harsh indeed if he had insisted on that Gentleman's constant attendance. With respect to Mr. Duffy, he had been informed that he was in delicate health, and he immediately said that Mr. Duffy might come down when he pleased, and accordingly two o'clock was the usual hour of that gentleman's appearance. As to the other traversers, so little regard had he paid as to whether they were in court or not, that if he were that moment asked on his oath whether any of the defendants was present on any one day, he would not be able to answer it. He had never thought of adopting a course so ungenerous or so improper. He would not attempt to carry out such a course of petty hostility, of which he had trusted, and did believe, that the public opinion of his character in Ireland would have held him incapable. Throughout the whole of the proceedings the traversers were never hindered going about as they pleased, unless when technical questions arose—as on the first morning of term, when the Jury were sworn, or when the witnesses had to identify some of the parties, where it was absolutely necessary they should be present. On such occasions it behoved the Crown to take care lest some legal difficulties should arise from the non-attendance of the traversers, who were therefore required to appear. In fact, he was informed that Mr. O'Connell's carriage was waiting for him to drive him to his house every day. There was a circumstance he would now explain to the House. On the first Monday after the trials had commenced, it was intimated to him that the hon. Member for Cork had left the Court, and had gone down to attend a meeting of the Association, at which the hon. Member for Limerick (Mr. W. S. O'Brien) was in the chair. The defendant had gone down there, as he believed, to make the proceedings then going on a subject of commentary. He did then, as now, feel it would not be tolerated in this or in any other country that, when parties were on their trial for acts among which were their attendance on meetings of a political body, they should be permitted to appear at an assembly of that very society and comment upon the proceedings which were taken against them. He was satisfied that the Member for the City of Cork would feel that he had done him injustice in the charge he had brought against him, which was, however, he was sure, unintentional on his part. The hon. Member for Worcester had complained that Government had not sooner put a stop to those meetings, and had attributed to them an imputation which had been cast upon himself by the Member for Dungarvon, to the effect that they were laying a trap for the people. They had said that the meetings should have been indicted, and that no warning had been given to the people by Government. Now, what were the facts of the case? A Speech was delivered in the House of Lords at the closing of the Session, on the 24th of August, wherein the proceedings of the agitation were made the subject of strong observation, and the seditious conduct of the parties themselves mentioned with censure. Now, he asked, was not that an intimation of the feeling of Government on this question, and was it not sufficiently strong? And how was this intimation from the Throne received? The moment Her Majesty's Speech reached Dublin a meeting of the Association was called, and a notice of a counter-manifesto to the Queen's Speech was then given which was afterwards published on the 17th of September, addressed to the Irish subjects of the British Crown, in which the people were told that they had now nobody to look to but themselves, and that they were not to look to Parliament in future—an avowal which has sedition on the face of it. Meetings immediately followed. They were held in succession at Loughrea, Clifden, Lismore, and Mullaghmast, and at each and all of them the Government and its authority were set at defiance,—the people were told that the Government threatened them, was about to go to law with them, but that they should not be afraid, for their leader was too old a bird to be caught with chaff. The law and the authority of the Crown were derided, and the people were told that their leaders would proceed with the agitation, notwithstanding the intimation in Her Majesty's Speech. Now, he had much to learn, if after this it could be said, with any show of reason, that the Government had been entrapping those

people into the commission of crime, or that they had laid in wait to catch them, without caring for the suppression of that agitation which had been the curse of Ireland. The hon. and learned Member for Worcester had told the House that the Law-officers of the Crown in Ireland had wrested the law and strained it to suit the purposes which they had in view. That was the extent of the charge which the hon. and learned Gentleman made, but he did not find it convenient to carry the charge any further. The hon. and learned Gentleman did not venture to tell the House that the Law-officers of the Crown in Ireland had prosecuted in a case where no offence had been committed. If they had in the minutest particular done anything which was not according to law they would soon have heard of it. The hon. and learned Gentleman was cautious enough in the way in which he brought forward his accusations, because he contemplated the possibility of being called upon to argue the question at issue before the House of Lords—nor did he go the length of denying the existence of the cases applying to this question which had been cited, neither was there any attempt made to get over the force of the precedent referred to by his hon. and learned Friend, the Member for Exeter, contained in the State Trials of the year 1795, where the proceeding was a prosecution for sedition. But, said the hon. and learned Member for Worcester, these precedents did not apply to the state of facts that existed in Ireland. That those principles of law never had been applied to meet such a state of facts might be true enough; but there never before had existed such a state of facts. There never existed in England a state of facts calling for such an application of the law, because in this country the law was respected. The hon. and learned Member for Worcester's ideas as to straining the law are somewhat singular. The case says he is positively one of high treason, and your indictment is for a misdemeanor; and thus he was to be censured for not having introduced the word "traitorously" into the indictment. And he was told that he had adopted an indictment for misdemeanor, and applied it to a case which really was one of high treason. The hon. and learned Member for Worcester then referred to Lord George Gordon's case; but the next time that he walked through Westminster Hall, if the hon. and learned Gentleman took the trouble of inquiring into the opinions of the learned Gentlemen whom he should meet there, he would find that the views which he took of this question were not supported by the general opinion of the Bar of England. The hon. and learned Gentleman told the House that Lord George Gordon's meetings were called for the purpose of intimidating the Members of that House, and that these assemblies approached to the very doors of the House; but was there any lawyer, still less, was there any judge, who would tell them that the difference between that state of things and the state of affairs in Ireland could have the effect of establishing any legal distinction? The House must see that the case of the hon. and learned Member for Worcester depended upon whether or not the acts intended to effect intimidation took place in Palace Yard or in some other locality. According to the hon. and learned Gentleman, if the meetings were held at a distance, there was no intimidation. Whatever he might think of Irish law, there was no member of the profession, even in that country, who could be induced to subscribe to such an interpretation of the law—it would be as little successful in the Four Courts as in Westminster Hall. Surely unprofessional Members must see that intimidation might be directed against the Legislature as readily at a distance of fifty or sixty miles as at the very doors of the House. Perhaps the hon. and learned Member thought it might be good House of Commons law—law good enough to go down with country Gentlemen; but he must have known that it was a doctrine to which no judge in the land would give the sanction of his opinion. It was in the next place argued, that because the people did not assemble with arms in their hands, that, therefore, there could be no intimidation; but what said Lord Tenterden, Mr. Justice Holroyd, Mr. Justice Bayley, and Lord Wynford on that point, in the case of "Retford and Burley." When that case was argued *in banc* those judges held that unarmed multitudes, if they met for the purposes of organization, or for the purpose of making a display of physical strength, it made no difference whether or not they had arms in their hands, for whenever it was wished that they should strike a blow all that would be required

was to put arms in their hands. That was the doctrine held by the most eminent judges in this country—that was their decision; and if they had any weight with the profession, or with the country, the law laid down by the hon. and learned Member for Worcester must be considered utterly unwarranted. The indictment, said the hon. and learned Member for Worcester, though the law had been strained for the purpose, was not invalid; but he led the House to suppose that one of the counts which charged the defendants with holding meetings for the purpose of exciting disaffection and discontent was not in accordance with legal principles. Now, it did so happen that that part of the indictment had been founded upon a precedent supplied by the late Government, and to which his attention had in the first instance been called by reading in *Carrington and Payne* a report of the case of "the Queen v. Vincent and Edwards;" but, as reporters frequently gave indictments short, he thought it well to write to Mr. Maule, the Solicitor to the Treasury, requesting he would be so good as to favour him with a copy of the indictment, and the count in question was copied *verbatim et literatim* from the indictment prepared at a time when the hon. and learned Gentleman was one of the Law-officers of the late Government. The hon. and learned Member might read the case in 9th *Carrington and Payne*. He could give him the page if he wished for it. The count to which he referred charged the defendants with confederating to excite discontent and disaffection in the minds of Her Majesty's subjects—and to excite Her Majesty's subjects to hatred and contempt of the Constitution and Government, and to unlawful and seditious opposition to such Government. The hon. and learned Gentleman might have forgotten the terms of his own indictment. But, besides the accusations now mentioned, the indictment in the present case charged the defendants with conspiring to stir up jealousies, hatred, and ill-will amongst the inhabitants of Ireland towards those of England, and also contained various other charges. The worst, then, that he could be charged with, was the sin of copying the conduct of the hon. and learned Member for Worcester. He admitted that to follow such an example was a bad habit. After all, the principal accusation brought by the hon. and learned Gentleman was, that the law had been strained. That was a charge barely intelligible. It was strange to charge the Government with straining the law, and in the same breath to tell them, that when they might have prosecuted for high treason, they were greatly to blame for contenting themselves with proceeding only for a misdemeanour. To prosecute for the lesser offence, was what the hon. and learned Gentleman called straining the law. That indeed was a strange way of straining the law. The hon. and learned Gentleman did not venture to say, that the indictment was not proved, he said, however, that there was an attempt, on the part of the Law-officers of the Crown in Ireland, to put down the press. They did not prosecute the press, as the press, but they maintained—and he was sure the House would support them when he said—that a person connected with the press was not to enjoy immunity because of his connection with the press. Dr. Gray and Mr. Barrett had attended several of these monster meetings, and had taken a most active part in them; and with respect to the statement of reading the newspapers as evidence against the traversers, it was a singular circumstance, that when they had offered these newspapers as evidence, he thought their admissibility would be questioned and he was prepared, on a decision, in "the King v. Hardy," to argue their admissibility; but having formed an opinion that they were admissible from the respect which he entertained for the hon. and learned Member the Solicitor General for England, he had requested his opinion, and had received from that hon. and learned Member an opinion, going further than the one which he had entertained. By the rules of the Repeal Association, which had been proved at the trial by a printed document which they had given in evidence, the printing of which was paid for by the funds of the Association, they had proved that it was part of the regulations of the Repeal Association, that the Repeal-wardens, with a view of carrying out the organization throughout the country, east and west, in every parish and district where a newspaper could be circulated,—that in every district where 20*l.* were subscribed, it was the duty of the Repeal-warden to take care that a three-day paper—Mr. Barrett's paper, or

the *Evening Freeman*—should be circulated gratis; or if 10*l.* were subscribed, that a weekly paper—the *Nation* was the weekly paper chiefly chosen—should be circulated, and by that means thousands a year had been put into the pockets of these newspaper editors. By the same document it was proved, that instructions were given to the Repeal-wardens to hire rooms in each district, and to take care that the papers were circulated in such a manner as to be read by as many persons in the neighbourhood as possible. Every man of that Association was a publisher of the Repeal papers circulated throughout the country; and it was by the circulation of these most mischievous and inflammatory articles which they contained that the minds of the Irish people had been poisoned, and that previous to these monster meetings every feeling of hostility that could be infused into the human mind had been raised against their brethren in this country. That system had been carried on to an extent which no person who had not read the evidence could believe to be possible. The organization had been carried on mainly through the instrumentality of these newspapers. Two of these editors had been attending monster meetings, and making speeches of the most inflammatory character; and was he to be told that, because these gentlemen happened to be newspaper editors, therefore they were to have impunity from the consequences of the commission of crime? There was one subject on which he wished to say a few words,—it was with respect to an absent individual for whom he had the highest respect, and whom he should continue to hold in the greatest respect, notwithstanding the malignity with which he had been pursued in common with every one—witness, jury, counsel, or judge—who had been engaged in an endeavour to aid or assist in the putting down of this dangerous conspiracy which was spreading throughout the country. He spoke of the Chief Justice. The Chief Justice, in his charge to the Jury had distinctly stated, that he had the concurrence of his brethren in the law as he laid it down. If he had strained the law, it had been the straining of the hon. and learned Member for Worcester—a straining of high treason into a misdemeanour—and it was a straining of the law which they would recollect that Mr. Justice Perrin who had held the office of Attorney General under the late Government had concurred in. Mr. Justice Perrin was present when the Lord Chief Justice stated, that he had the assent of his brethren on the Bench in his statement of the Law, and Mr. Justice Perrin would have been guilty of a dereliction of his duty if he had failed to express his dissent, if he did not concur in the law as stated by the Lord Chief Justice. His friend the Solicitor General for Ireland had in his reply read several of these documents, contained in the newspaper publications, to the Jury, and with regard to a statement which had been made relating to them, he could say with perfect confidence (for he was sitting close to the Solicitor General)—although he admitted when these documents were read, they were handed up to the Bench. He denied that the Solicitor General had little pieces of the extracts of speeches pasted on sheets of paper to hand up to the Bench. He knew the documents that were handed up better than any of the Counsel on the other side, and he denied the imputation of the hon. and learned Member. Although he admitted that leading articles had been printed on slips for convenience, yet the whole document had been handed up; and he denied the fact stated, that scraps of documents, pasted on sheets of paper, had been handed up. With respect to the charge of the Lord Chief Justice, he freely admitted that it was not the habit for defendants who were charged with an offence to be in love with a judge's charge; and he knew that very often the counsel thought, from the feeling which they had when they defended a prisoner, that matters might be stated by the judge which other persons by and not concerned in the cause did not think it relevant to state. It frequently occurred in the course of that trial, that a mass of evidence was given by the defendants which he, and those concerned with him, believed not to be admissible. A speech of Mr. O'Connell made in 1808, and another made in 1810, had been given in evidence, which had no bearing on the defence. But though he had thought them inadmissible, the counsel for the Crown had come to the conclusion, on the best consideration of the case, that they would throw as little obstacle as possible in the way of evidence. He denied that he had made any legal objection as to the admission of the documents of 1808 and 1810. He positively stated that he did not. The reason he did not was, be-

cause in Horne Tooke's case in this country a document of twelve or thirteen years antecedent had been read. He did not think that the decision admitting that document as evidence was well founded; but he had thought it better not to oppose the evidence and no objection was made by him to its admission, and could not have been made in his absence, as he was scarcely a moment absent during the trial. He had trespassed upon the attention of the House at greater length than he was perhaps justified in doing, but he had been impelled to do so by the recollection of the charges which had been brought against him by the hon. and learned Member for Worcester. He had abstained from noticing many allusions to the case which had been made (though from his familiarity with the case he could easily enter into the merits), because it was not yet concluded, and he thought he should discharge his duty better by not going through the merits of a case which might receive more discussion before its final determination. He was grateful to that side of the House for having listened to him with attention. If he had said anything warm he was sorry for it; but a person placed in his position, under accusation, might naturally use a little warm language. "I will only (continued the right hon. and learned Gentleman), make one further observation. Complaint has been made against me—and I admit with just foundation—for one act which I committed in the course of these proceedings. I was misled by a feeling of irritation which ought not to have governed any act of mine, circumstanced as I was. I permitted myself, the Court having adjourned for a few minutes, immediately after insulting language had been applied to me, to take a step which I deeply regret. But this I can say, that I am sure there is not a Gentleman in this House who would not make allowance for a person acting under the impression that an improper charge had been brought against him. I wish to be understood, when I mention Mr. Fitzgibbon's name, that I shall not say one syllable to hurt his feelings. He is absent, but I believe if he were present he would admit that language calculated to wound had escaped him inadvertently. Entertaining those views, I shall not say one syllable that can inculpate him. It would be base and treacherous of me if I did so. I take the blame upon myself, and can only say farther that I considered—I cannot say whether rightly or wrongly—that I had had a gross insult passed upon me. Whatever my character may be—and I think I may appeal to my political opponents—I may at least say, that during the whole of my life in Ireland I have kept up a character for personal honour and integrity. Conceiving that an imputation had been thrown out against what I considered to be my personal honour, in a feeling of excitement during the adjournment of the Court for two or three minutes I penned that note. If the Court had never adjourned, it would never have happened at all, because it would have all passed off in a few minutes. The note was not delivered in Court; it was suggested that I had it sent in Court, but that was not so; I sent it from a chamber adjoining the Court, and I believed that the Judge and Jury and all were out of court; not that that indeed makes much difference; nor do I urge it as an excuse—far from it. I admit I acted with impropriety, but under the circumstances, with a strong feeling that a personal insult had been passed upon me, I do think that gentlemen of generous feeling will be inclined to make some allowance. I shall add nothing more with respect to this, except that I am willing to say, as Mr. Fitzgibbon is absent, that I believe I was mistaken in the construction I put on his language. I only advert to it, because if I did not, it might be supposed from my silence, that I am a person not willing to admit when I am wrong; and I am by no means desirous to be subject to such an imputation." There was only one other matter to which it was necessary further to advert, and that was, a charge which had been brought against him by the right hon. and learned Member for Dungarvon, that he had used some language at a meeting in Dublin offensive to Roman Catholics. Now he had taken the trouble to go to the shop of Mr. Milliken, the bookseller in Dublin, where there was a pamphlet containing a full report of the speech which he had made upon that occasion. It was the fullest account which had been published; he had purchased it, and had read it carefully over from beginning to end, and though he had made use of strong language with regard to the Appropriation Clause, declared he should have no hesitation in reading the whole of that pamphlet to any Roman

Catholic in that House, and he did not believe it would give the slightest offence. He certainly should not be justified, and he must say that it had never been his custom through life to cast imputations; if he had indeed used language offensive to Roman Catholics it would have been highly indecorous of him to have done so. It would grieve him very much to say anything hurtful to the feelings of Roman Catholics, and it would be extremely unlikely that he should do so when he had, as the right hon. and learned Gentleman the Member for Dungarvon knew, been up to the year 1829 a firm and sincere friend to Emancipation. He did not know whether he had, but he might have, omitted to answer some matters which had been alleged against him, in consequence of not having been present at the earlier part of the debate, and he was not so practised in the ways of that House as other hon. Gentlemen might be. He did not feel quite at home yet in the House of Commons, though he felt quite at home in Court. But he felt bound to say, that the attention and patience with which he had been listened to in the course of the remarks which he had thought it necessary to offer, and the indulgence which he had received from both sides of the House, would make him more easy for the future, and when next he should feel called upon to address them, trusted, that he should not make so gross a trespass upon their time as he had upon the present occasion.

Debate again adjourned. House adjourned.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXII.

BEING THE FIRST VOLUME OF SESSION 1844.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*,—Lords.—*c.*, Commons.—*o. q.* Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that Reading.*

ABERDEEN, EARL OF
Address in Answer to the Speech, 26
Chinese Treaty, 266
Slave Trade, Abolition of the, 209
Spain, Affairs of, 509, 512

Address in Answer to the Speech, l. 5; *c.* 41; Amend. (Mr. S. Crawford), [A. 29, N. 285, M. 256] 139; Amend. (Mr. Hume), [A. 49, N. 235; M. 186] 141; Report, Amend. (Mr. S. Crawford) 160, [*o. q.* A. 142, N. 35, M. 107] 200; Amend. (Mr. T. Duncombe) 204; Amend. Withdrawn, 207, 208; *l.* Her Majesty's Answer, 208; *c.* 231

Administration of Justice, l. 1R.* 499

ADVOCATE, The Lord (Mr. D. McNeil) *Argyllshire)*
Roskeen, Disturbances at, 332

ASHLEY, Viscount, *(Dorsetshire)*
Factories, Leave, 285
Scinde, Ameers of, 342, 376, 388, 393, 456

ATTORNEY GENERAL, The, (Sir F. Pollock) (*Huntingdon*)
Bonham, Mr., 465
Conspiracy, Law of, 1105, 1106
Gaming Actions Discontinuance, 2R. 804; Preamble, Amend., 1329, 1331

Attorney General for Ireland, c. 165

AUCKLAND, Earl of
Scinde—Vote of Thanks to the Army, 497

Bank of England, c. 207; *l.* 269

Bank of Ireland, l. 269

BARING, Hon. W. B. (*Thetford*)
Scinde—Vote of thanks to the Army, 568

BARING, Right Hon. F. T. (*Portsmouth*)
Custom House Frauds, 601

BARRON, Sir H. W. (*Waterford City*)
Address in Answer to the Speech, Report, 196, 207
Ireland, State of, Com. moved for, 944

BEAUMONT, Lord
Ireland, State of, 673, 675

BENTINCK, Lord W. G. F. C. (*King's Lynn*)
Gaming Actions Discontinuance, Com. *cl.* 1, 1326; Preamble, 1327

BERKELEY, Hon. Captain M. F. F. (*Gloucester*)
Gaming Actions Discontinuance, 2R. Amend. 801

BERKELEY, Hon. C. F. *(Cheltenham)*
Coroners, County, 2R. 1314
Gaming Actions Discontinuance, 2R. 805; Com. 1318
Poor Law Amendment, Leave, 484

BERNAL, Captain R. (*Wycombe*)
Address in Answer to the Speech, Report, 176
Ireland, State of, Com. moved for, 1001

Betting, see *Gambling*

Birkenhead Improvement, c. 1R.* 1314

Birmingham Canal Navigation, c. 1R.* 1208

BLEWITT, Mr. R. J. (*Monmouth*)
Address in Answer to the Speech, Report, 164
Bank of England, 207
Civil List, Alleged Deficiency of the, 231, 334
Factories, Leave, 285

Bonham, Mr. — The Storekeeper of the Ordnance, c. 146, 460

BORTHWICK, Mr. P. (*Evesham*)
Ireland, State of, Com. moved for, 936

BOWRING, Dr. J. (*Bolton*)
Address in Answer to the Speech, Report, 199
Ireland, State of, Com. moved for, 851
Man, Isle of, 273
Metropolis Improvements, That the Bill do Pass, 523
Petitions, Presentation of, 150
Scinde—Vote of Thanks to the Army, 576
Strangers—Publication of the Debates, Com. moved for, 599

Bradford Railway, see *Manchester*

Brandes Burton Inclosure, c. 1R.* 1314

Brandon Railway, see *Norwich*

Brazilian Treaty, c. 145

Brighton, Military Outrage at, c. 514

BROTHERTON, Mr. J. (*Salford*)
Address in Answer to the Speech, 121; Report, 195
Gaming Actions Discontinuance, Preamble, 1332
Petitions, Presentation of, 152
Scinde—Vote of Thanks to the Army, 574

BROUGHAM, Lord
Address in Answer to the Speech, 21, 39, 40
China, Forces in—Acknowledgment of Vote of Thanks, 215
Dundonald's, Earl, Patent, 859, 996, 1098
Gaming, 2R. 216, 218
Gaming Actions Discontinuance, 2R. 335, 337, 338, 341
Ireland, State of, 631, 892, 909, 918, 919
Judicial Committee of the Privy Council, 467, 468, 1098, 1100, 1102
Libel, Law of, 1R. 471
Property of Felons, 263
Slave Trade, Abolition of the, 209, 211

BUCCLEUCH, Duke of
Sanatory Condition of the Lower Orders, 224, 227, 228

BULLER, Mr. C. (*Liskeard*)
Ireland, State of, Com. moved for, 1053, 1088

BULLER, Mr. E. (*Stafford*)
Ireland, State of, Com. moved for, 1243

Bury Inclosure, c. 1R.* 1000

Bury Railway, see *Manchester*

CAMPBELL, Lord
Address in Answer to the Speech, 37, 39, 40
Chancery, Court of—Fees, 1104
Gambling, 2R. 219
Gaming Actions Discontinuance, 2R. 337, 342
Ireland, State of, 644, 919, 921
Judicial Committee of the Privy Council, 467, 1099, 1101
Libel, Law of, 1R. 469
Property of Felons, 263
Witnesses Indemnity (Gaming), 1R. 1000

Canada, State of, c. 144, 680

Canals, see *Birmingham*

CARDWELL, Mr. E. (*Clitheroe*)
Address in Answer to the Speech, 49

Carlisle Railway, see *Lancaster*

Cemeteries, Public, c. 277

CHANCELLOR, The Lord (The Right Hon. Lord Lyndhurst)
Address in Answer to the Speech, 39, 40
Chancery, Court of—Fees, 1103, 1104
China, Forces in—Acknowledgment of Vote of Thanks, 212
Ireland, State of, 612, 620, 621, 633, 910, 911, 921, 998
Judicial Committee of the Privy Council, 467, 1100, 1103
Libel, Law of, 1R. 471
Standing Orders, 41

CHANCELLOR of the EXCHEQUER (The Right Hon. H. Goulburn) (*Cambridge University*)
Custom House Frauds, 601
Metropolis Improvements, 3R. 519; That the Bill do Pass, 520
Post Office, 230
Strangers—Publication of the Debates, Com. moved for, 591, 597

Chancery, Court of—Fees, 1103

Charitable Trusts, c. 145

China, Forces in—Acknowledgment of Vote of Thanks, c. 41; *l.* 212

China, Trade With, c. 472

Chinese Treaty, *l.* 263

CHRISTIE, Mr W. D. (*Weymouth*)
Gaming Actions Discontinuance, Com. Amend. 1315; Preamble, 1326
Sessional Orders, 158, 159
Strangers—Publication of the Debates, Com. moved for, 580, 599, 600

Church of Scotland, see *Roskeen, Disturbances at*

Civil List, Alleged Deficiency of the, c. 231, 334

CLANRICARDE, Marquess of
Address in Answer to the Speech, 30, 37
Ireland, State of, 648, 874

CLARENDON, Earl of
Chinese Treaty, 263
Spain, Affairs of, 501, 512

CLEMENTS Viscount, (*Leitrim Co.*)
Ireland, State of, Com. moved for, 815

CLERK, Sir G. (*Stamford*)
Sessional Orders, 158, 159
Strangers—Publication of the Debates, Com. moved for, 597

CLIVE, Viscount (*Shropshire N.*)
Address in answer to the Speech, 42; Report, 160

COCHRANE, Mr. A. D. R. W. B. (*Bridport*)
Bonham, Mr., 466
Ireland, State of, Com. moved for, 811

COLEBROOKE, Sir E. (*Taunton*)
Scinde, Ameers of, 441

Commercial Treaties see *France—Portugal*

CONOLLY, Colonel E. M. (*Donegal*)
Ireland, State of, Com. moved for, 1035

Conspiracy, Law of, c. 1104

Corn-Laws, l. 268

Coroners, County, c. 1R.* 787; 2R. 1314

COTTENHAM, Lord
Address in answer to the Speech, 40

Coventry Road see *Market Harborough*

CRAWFORD, Mr. W. S. (*Rochdale*)
Address in answer to the Speech, Amend. 79, 139; Report Amend. 160, 203
Landlord and Tenant Commission (Ireland), 330
Poor-Law Amendment, Leave, 484
Scinde—Vote of Thanks to the Army, Amend. 573
Supplies, Stopping the — Public Grievances, 296

Cruizers on the African Coast, c. 228, 275

CURTEIS, Mr. H. B. (*Rye*)
Address in Answer to the Speech, Report, 196

Custom House Frauds, c. 601

DARBY, Mr. G. (*Sussex E.*)
Gaming Actions, Discontinuance, Com. *cl.* 1, 1323

DAVIES, Mr. D. A. S. (*Carmarthenshire*)
Poor-Law Amendment, Leave, 484

Debates, Publication of the, c. Com. moved for, 580

D'ISRAELI, Mr. B. (*Shrewsbury*)
Ireland, State of, Com. moved for, 1007

DENISON, Mr. E. B. (*Yorkshire W. R.*)
Poor-Law Amendment, Leave, 483, 484

DENMAN, Lord
Gambling, 2R. 219
Poor-Law—Mothers and Children, 993

DEVON, Earl of
Address in Answer to the Speech, 32, 36, 37
Ireland, State of 663

DIVETT, Mr. E. (*Exeter*)
Bonham, Mr. 146, 147, 460, 465

DIVISIONS, List of,
Address in Answer to the Speech, Amend. (Mr. S. Crawford), [A. 29, N. 285, M. 256] 139; Amend. (Mr. Hume), [A. 49, N. 235, M. 186] 141; Report, Amend. (Mr. S. Crawford), [*o. q.* A. 142, N. 35, M. 107] 200
Gaming Actions Discontinuance, 2R. Amend. (Mr. M. Gibson), [*o. q.* A. 112, N. 25, M. 87] 806; Preamble, Amend. (Mr. T. Duncombe), [A. 27, N. 81, M. 54] 1329
Ireland, State of, [Contents, 78, Not-Contents, 175, M. 97] 921
Metropolitan Improvements, That the Bill do pass, Amend. (Mr. Hume), [*o. q.* A. 145, N. 70, M. 75] 523
Scinde, Ameers of, [A. 68, N. 202, M. 134] 458;—Vote of Thanks to the Army, Amend. (Mr. S. Crawford), [*o. q.* A. 164, N. 9, M. 155] 578
Strangers—Publication of the Debates, Com. moved for, [A. 37, N. 84, M. 47] 600
Supplies, Stopping the — Public Grievances, [*o. q.* A. 130, N. 22, M. 108] 326

DOUGLAS, Sir H. (*Liverpool*)
Scinde—Vote of Thanks to the Army, 556

DUNCOMBE, Mr. T. S. (*Finsbury*)
Address in Answer to the Speech, Report, Amend. 204, 207
Conspiracy, Law of, 1104
Gaming Actions Discontinuance, Preamble, Amend. 1329, 1332
Poor-Law Amendment, Leave, 481
Prison Discipline, 488
Registration (Ireland), 204, 207
Strangers—Publication of the Debates, Com. moved for, 594

Dundonald's Earl of, Patent, l. 859, 996, 1098

EASTHOPE, Sir J. (*Leicester*)
Railways, Com. moved for, 295

EBRINGTON, Viscount (*Plymouth*)
Gaming Actions Discontinuance, Com. *cl.* 1, 1323
Stipendiary Magistrates (Ireland) 1096
Turnpike Trusts, 1106

Ecclesiastical Courts, c. 488; *l.* 1R.* 490

Education, c. 334

ELDON, Earl of
Address in Answer to the Speech, 5

ELIOT, Right Hon. Lord (*Cornwall, E.*)
Address in Answer to the Speech, Report 176
Ireland, State of, Com. moved for, 846, 1144
Stipendiary Magistrates (Ireland), 1096

ELPHINSTONE, Mr. H. (*Lewes*)
Conspiracy, Law of, 1105

Enclosure see *Inclosure*

Epsom and South Western Railway, c. 1R.* 1314

ESCOTT, Mr. B. (*Winchester*)
Ireland, State of, 489, 1048
Scinde—Vote of Thanks to the Army, 574

Exchequer, Chancellor of the, *see* Chancellor of the Exchequer

EXETER, Bishop of
Gaming Actions Discontinuance, 2R. 339, 342

Factories, Leave, c. 277; 1R.* 273; 2R. 518

Fees in the Court of Chancery, l. 1103

Felons, Property of, l. 260

FERRAND, Mr. W. B. (*Knaresborough*)
Factories, 2R. 518
Ireland, State of, Com. moved for, 1136
Mothers and Children, 514
Poor-Law Amendment, Leave, 483, 787

FIELDEN, Mr. J. (*Oldham*)
Address in Answer to the Speech, 138
Petitions, Presentation of, 154

Fisheries Convention, c. 475, 516

FITZWILLIAM, Earl of
Address in Answer to the Speech, 36
Ireland, Military Force in, 212, 998
Sanatory Condition of the Lower Orders, 228

Follett, Sir W. W. *see* Solicitor General, The

FORTESCUE, Earl of
Ireland, State of, 859, 875

France, Commercial Treaty with, c. 276;—see *Fisheries*

FRENCH, Mr F. (*Roscommon*)
Address in Answer to the Speech; Report, 162, 201, 204
Railways, Com. moved for, 256

Gambling, l. 1R*. 1; 2R. 216; referred to Select Com. 220

Gaming Actions Discontinuance, l. 1R.* 260; 2R. 335; 3R.* 466; *c.* 1R.* 471; 2R. 789; Amend. (Mr. M. Gibson) 793, [o. q. A. 112, N. 25, M. 87] 806, 808; Com. Amend. (Mr. Christie) 1316; *cl.* 1, Amend. (Viscount Howick) 1322; Preamble, Amend. (Mr. T. Duncombe), [A. 27, N. 81, M. 54] 1329

Gas Companies see *Liverpool—Rochdale*

GIBSON, Mr. T. M. (*Manchester*)
Address in Answer to the Speech, 118
Gaming Actions Discontinuance, 2R; Amend. 793, 807; Com. 1320; Preamble, 1327

GISBORNE, Mr. T. (*Nottingham*)
Ireland, State of, Com, moved for, 1251
Light Gold, 273

GLADSTONE, Right Hon. W. E. (*Newark-upon-Trent*)
Address in Answer to the Speech, 130
Fisheries Convention, 475
Light Gold, 273
Man, Isle of, 273
Merchant Seamen's Fund, Com. moved for, 257, 259
Railways, Com. moved for, 232, 241, 274, 286, 290, 295, 471, 472

GORE, Mr. M. (*Barnstaple*)
Ireland, State of, Com, moved for, 1151

Goulburn, Right Hon. H. *see* Chancellor of the Exchequer

GRAHAM, Right Hon. Sir J. R. G. (*Dorchester*)
Address in Answer to the Speech, Report, 184
Cemeteries, Public, 277
Charitable Trusts, 145
Ecclesiastical Courts—Tithes, 489
Education, 335
Factories, Leave, 277; 2R. 518, 519
Gaming Actions Discontinuance, 2R. 807, 808; Com. *cl.* 1, 1323
Ireland, State of, 489, 490; Com. moved for, 760, 810, 953, 954, 960;—Military in 682
Medical Reform, 230
Mothers and Children, 515
Offences at Sea, Leave, 487, 488
Poor-Law Amendment, Leave, 476, 482, 484, 788
Prison Discipline, 488
Small Debts Courts, 883
Turnpike Trusts, 1106

Great Western Railway, c. 1R.* 1208;—see *Newbury*

GREY, Right Hon. Sir G. (*Devonport*)
Charitable Trusts, 145
Ireland, State of, Com. moved for, 830
Railways, Com. moved for, 295

HADDINGTON, Earl of
China, Forces in—Acknowledgment of Vote of Thanks, 213, 214, 215
Dundonald's, The Earl of, Patent, 997
Ireland, State of, 630, 864, 875, 887

Hamilton, Lord C. (*Tyrone*)
Ireland, State of, Com, moved for, 1219

HAMILTON, Mr. G. A. (*Dublin University*)
Railways, Com. moved for, 295

HANMER, Sir J. (*Kingston-upon-Hull*)
Address in Answer to the Speech, 130

Harbours, see *Hartlepool*

Hardinge, Right Hon. Sir H, (*Launceston*)
Brighton, Military Outrage at, 514
Scinde—Vote of Thanks to the Army, 548

Hartlepool West Harbour, c. 1R.* 1314

HAWES, Mr. B. (*Lambeth*)
Brazilian Treaty, 145
Gaming Actions Discontinuance, Preamble, 1328, 1331
Ireland, State of, Com. moved for, 1209
Metropolis Improvement, 3R. 519; That the Bill do pass, 521
Poor-Law Amendment, Leave, 479, 480
Post Office, 230
Railways, Com. moved for, 292
Scinde—Vote of Thanks to the Army, 559

HENLEY, Mr. J. W. (*Oxfordshire.*)
Poor-Law Amendment, Leave, 484

HERBERT, Hon. S. (*Wiltshire, S.*)
Ireland, State of, Com. moved for, 1110

Heywood Railway, see *Manchester*

HILL, Viscount
Address in Answer to the Speech, 13

HINDLEY, Mr. C. (*Ashton-under-Lyne*)
Address in Answer to the Speech, 136
Conspiracy, Law of, 1105
Factories, Leave, 283

HOBHOUSE, Right Hon. Sir J. C. (*Nottingham.*)
Scinde, Ameers of, 416

Horse Racing Penalties, see *Gaming Actions Discontinuance*

HORSMAN, Mr. E. (*Cockermouth*)
Ireland—Military in, 681;—State of, Com. moved for, 1106

HOWDEN, Lord
Ireland, State of, 670, 916
Spain, Affairs of, 513

HOWICK, Viscount (*Sunderland*)
Address in Answer to the Speech, 111
Gaming Actions Discontinuance, Com. *cl.* 1, Amend. 1322, 1324, 1326
Ireland, State of, Com. moved for, 970
Railways, Com. moved for, 288
Scinde—Vote of Thanks to the Army, 535

HUME, Mr. J. (*Montrose, &c.*)
Address in Answer to the Speech, 59; Report, 198
Coroners, County, 2R. 1314
Factories, Leave, 281
Gaming Actions Discontinuance, 2R. 803; Com. *cl.* 1, 1323
Merchant Seamen's Fund, Com. moved for, 260
Metropolis Improvements, 3R. 519; That the Bill do pass, Amend. 520, 522, 525
Oregon Territory, 229
Railways, Com. moved for, 288
Scinde, Ameers of, 455
Supplies stopping the—Public Grievances, 320

HUTT, Mr. J. (*Gateshead*)
Gaming Actions Discontinuance, Com. 1318

Inclosures, see *Brandes, Burton, Bury Ramsay*

India, see *Scinde, Ameers of,*

INGESTRE, Viscount (*Staffordshire, S.*)
Address in Answer to the Speech, Report, 194

Ireland, Military Force in, l. 211, *c.* 681; *l.* 998; — *c. State of* 489; *l.* (Marquess of Normanby's Motion) 602; Adj. Debate, 859, [Content 78, Not Content 175, M. 97] 921; *c.* Com. moved for (Lord J. Russell) 683; Adj. Debate, 808, 925, 1001, 1106, 1209, 1333;—*l. Communications with*, 1103;—see *Address in Answer to the Speech—Attorney General—Bank of Ireland—Landlord and Tenant—Poor Law—Registration—Stipendiary Magistrates—Teachers of Schools*

JAMES, Sir W. C. (*Kingston-upon-Hull*)
Ireland State of, Com. moved for, 1236
Poor Law Amendment, Leave, 483

JERMYN, Right Hon. Earl (*Bury St. Edmunds*)
Address, Answer to the, 231

JOCELYN, Viscount (*King's Lynn*)
Scinde, Ameers of, 433

Judicial Committee of the Privy Council, l. 467, 1098

KENYON, Lord
Ireland, State of, 909

LABOUCHERE, Right Hon. H. (*Taunton*)
France, Commercial Treaty with, 276
Merchant Seamen's Fund, Com. moved for, 258
Portugal, Commercial Treaty with, 276
Railways, Com. moved for, 239, 287
Stipendiary Magistrates (Ireland) 1097

Lancaster and Carlisle Railway, c. 1R* 1104

Landlord and Tenant Commission (Ireland) c. 327, 517

LANGDALE, Lord
Chancery Court of—Fees, 1104

LANSDOWNE, Marquess of
Ireland, State of, 867
Judicial Committee of the Privy Council, 1100

LASCELLES, Hon. W. S. (*Wakefield*)
Ireland, State of, Com. moved for, 1247

LAYARD, Captain, B. V. (*Carlow Bo.*)
Ireland, State of, Com. moved for, 1132

LEADER, Mr. J. T. (*Westminster*)
Bonham, Mr. 466
Canada, 680, 681

Leeds and Selby Railway Purchase, c. 1R.* 1314;—see *Manchester*

LEFEVRE, Right Hon. C. S. *see* Speaker, The

LEVESON, Lord (*Litchfield*)
Ireland, State of, Com. moved for, 808

Libel, Law of, Amendment, l. 1R. 469; 2R.* 1208

Light Gold, c. 273

LINCOLN, Earl of (*Nottinghamshire, S.*)
Metropolis Improvements, 3R. 519, 520

Liverpool Gas, c. 1R.* 1000

LONDON, Bishop of
Gambling, 2R. 216, 218
Gaming Actions Discontinuance, 2R. 337

LYNDHURST, Lord, *see* Chancellor, The Lord

MACAULAY, Right Hon. T. B. (*Edinburgh*)
Ireland, State of, Com. moved for, 1169, 1199
Medical Reform, 230

MACLEAN, Mr. D. (*Oxford*)
Cemeteries, Public, 277

MC. NEIL, Mr. D. *see* Advocate, The Lord

Man, Isle of, c. 273

Manchester and Leeds Railway, (Bradford Branch) c. 1R.* 1208

Manchester and Leeds Railway (Bury Branch) c. 1R.* 1208

Manchester and Leeds and Heywood Branch Railway, c. 1R.* 1208

Manchester, Bury and Rossendale Railway, c. 1R.* 1000

MANGLES, Mr R. D. (*Guildford*)
Scinde—Vote of Thanks to the Army, 551

MANNERS, Lord J. (*Newark upon Trent*)
Gaming Actions Discontinuance, 2R. 800

Market Harborough and Coventry Road, c. 1R.* 1314

MASTERMAN, Mr. J. (*London*)
Metropolis Improvements, That the Bill do pass, 520

MAULE, Hon. F. (*Perthshire*)
Roskeen, Disturbances at, 330

Medical Reform, c. 230

Merchant Seamen's Fund, c. Com. moved for, 257

Metropolis Improvements, c. 1R.* 144; 2R.* 228; Rep.* 471; 3R. 519; That the Bill do pass, Amend. (Mr. Hume) 520, [*o. q.* A. 145, N. 70, M. 75] 523; Proviso (Sir R. Peel) 525; Bill passed *ib.*; *l.* 1R*. 602; 2R.* 858; Rep.* 993; 3R.* 1097

Military Outrage at Brighton, c. 514

MILNES, Mr. R. M. (*Pontefract*)
Gaming Actions Discontinuance, 2R. 812
Ireland, State of, Com. moved for, 1158

MINTO, Earl of
China, Forces in—Acknowledgment of Vote of Thanks, 213, 214, 215
Dundonald's Earl of, Patent, 859

MONTEAGLE, Lord
Bank of England, 269
Ireland, State of, 875, 888;—Communication with, 1103
Poor-Law (Ireland), 272

Mothers and Children, c. 514; *l.* 993

MUNTZ, Mr G. F. (*Birmingham*)
Address in Answer to the Speech, 133

MURPHY, Mr. Sergeant F. S. (*Cork City*)
Address, in Answer to the Speech, Report, 180
Ireland, State of, Com. moved for, 1038, 1221

NAPIER, Sir C. (*Marylebone*)
Cruizers on the African Coast, 228, 275
Ireland, State of, Com. moved for, 1142
Merchant Seamen's Fund, Com. moved for, 259
Oregon Territory, 229
Right of Search, 228, 275
Scinde, Ameers of, 431; Vote of Thanks to the Army, 562

Napier, Sir C. and the Army in Scinde—Vote of Thanks to, l. 490, *c.* 525

Naturalization of Foreigners, see *Sang.*

Newbury and Great Western Railway, c. 1R.* 1104

NORMANBY, Marquess of
Address in Answer to the Speech, 15, 30
Dundonald's, The Earl of, Patent, 998
Gambling, 2R. 219
Ireland, State of, 602, 648, 673, 904, 907, 909, 910, 911
Sanatory Condition of the Lower Orders, 220, 227, 228

Norwich and Brandon Railway, c. 1R.* 1314

O'BRIEN, Mr. A. S. (*Northamptonshire, N.*)
Ireland State of, Com. moved for, 1257

O'BRIEN, Mr. J. (*Limerick City*)
Ireland, State of Com. moved for, 1153

O'CONNELL, Mr. J. (*Kilkenny Bo.*)
Ireland, State of, Com. moved for, 1117

O'CONOR, Mr. D. (The O'Conor Don), (*Roscommon*)
Address in Answer to the Speech, 117; Report, 162
Ireland, State of, Com. moved for, 1225

Offences at Sea, c. Leave, 487; 1R.* 488; 2R.* 514; Rep.* 787; 3R. 925; *l.* 1R.* 858; 2R.* 1097; Rep.* 1208

O'FERRALL, Mr. R. M. (*Kildare*)
Ireland, State of, Com. moved for, 952

Oregon Territory, The, c. 229

PAKINGTON, Mr. J. S. (*Droitwich*)
Coroners, County, 2R. 1314

PALMERSTON, Viscount (*Tiverton*)
Address in Answer to the Speech, 103, 120; Report, 163
Gaming Actions Discontinuance, Com. *cl.* 1, 1325
Scinde, Ameers of, 385;—Vote of Thanks to the Army, 576

Parker, Sir W.—Acknowledgment of Vote of Thanks, c. 42; *l.* 212

Parliament, Meeting of l. 1

Patents, Amendments, l. 1R.* 1097

PECHELL, Captain G. R. (*Brighton*)
Brighton, Military Outrage at, 514
Ecclesiastical Courts—Tithes, 488
Fisheries Convention, 475, 516
Gaming Actions Discontinuance, 2R. 807; Com. 1319
Offences at Sea, Leave, 488
Poor-Law Amendment, Leave, 480
Railways, 472

PEEL, Colonel J (*Huntingdon*).
Gaming Actions Discontinuance, 2R. 803

Peel, Right Hon. Sir R. (*Tamworth*)
Address in Answer to the Speech, 91, 105; Report 168, 202, 203, 204, 206
Bank of England, 207
Bonham, Mr. 146, 147, 464
Brazilian Treaty, 145
Civil List, Alleged Deficiency of the, 231
Cruizers on the African Coast, 229, 275, 276
Fisheries Convention, 516
France, Commercial Treaty with, 276
Gaming Actions Discontinuance, Preamble, 1328, 1332
Ireland, State of, Com. moved for, 992, 1256
Landlord and Tenant Commission (Ireland), 328, 517, 518
Metropolis Improvements, That the Bill do pass, 522, 523
Oregon Territory, 229
Petitions, Presentation of, 150
Portugal, Commercial Treaty with, 276
Railways, Com. moved for, 249
Registration (Ireland), 206
Right of Search, 229, 275, 276
Saxe Coburg Gotha, Duke of, Death of the, 208
Scinde, Ameers of, 442, 455;—Vote of Thanks to the Army, 525, 542
Sessional Orders, 160
Supplies, Stopping the—Public Grievances, 312

Penalties for Gaming see *Gaming Actions Discontinuance*

Petitions, Presentation of, c. 147

PHILIPS, Mr. M. (*Manchester*)
Address in Answer to the Speech, 134
Metropolis Improvements, That the Bill do pass, 521

PLUMPTRE, Mr. J. P. (*Kent, E.*)
Address in Answer to the Speech, 121
Railways, Com. moved for, 256

POLLOCK, Sir F. *see* Attorney General, The

Poor Law Amendment, c. Leave, 476; 1R.* 487, 787;—see *Mothers and Children*

Poor Law (*Ireland*), *l.* 272

Portugal, Commercial Treaty with, c. 276

Post Office, c. 230

Prison Discipline, c. 488

Property of Felons, l. 260

Protests—"*State of Ireland*," 924

Public Grievances, c. 296

QUEEN'S SPEECH, The—Meeting of Parliament, *l.* 1

Qui Tam Actions see *Gaming Actions Discontinuance*

RADNOR, Earl of
Ireland, State of, 909

Railways, c. Com. moved for, 232, 274; Amend. (Mr. Wallace) 286; Amend. withdrawn, 296, 471;—see *Epsom—Great Western—Lancaster—Leeds—Manchester—Newbury—Norwich*

Ramsay Inclosure, c. 1R.* 1000

REDESDALE, Lord
Judicial Committee of the Privy Council, 1102

Registration (*Ireland*), *c.* 204

REPTON, Mr. G. W. J. (*St. Albans*)
Ireland, State of, Com. moved for, 951

Ribble Navigation, c. 1R.* 1000

RICHMOND, Duke of
Gambling, 2R. 216, 219
Property of Felons, 260, 263
Witnesses Indemnity (Gaming), 1R. 1000; 2R. 1097

Right of Search, 228

RIPON, Earl of
Ireland, State of, 897
Scinde—Vote of Thanks to the Army, 490

Roads, see *Market Harborough—Wich Tree*

Rochdale Gas, c. 1R.* 1208

RODEN, Earl of
Ireland, State of, 659, 674, 675

ROEBUCK, Mr. J. A. (*Bath*)
Address in Answer to the Speech, 109; Report, 165
Gaming Actions Discontinuance, Preamble, 1327
Railways, Com. moved for, 242, 289
Scinde, Ameers of, Amend. 364, 393, 419, 430
Small Debts Courts, 683

Roskeen, Disturbances at, c. 330

Ross, Mr. D. R. (*Belfast*)
Ireland, State of, Com. moved for, 925
Land Tenure Commission (Ireland), 517, 518

Rossendale Railway see *Manchester*

Rous, Hon. Captain H. J. (*Westminster*)
Gaming Actions Discontinuance, Com. *cl.* 1, 1324

Roxburghe, Duke of
Corn-Laws, 268

Russell, Mr. C. (*Reading*)
Railways, Com. moved for, 245

Russell, Right Hon. Lord J. (*London*)
Address in Answer to the Speech, 83, 99
Canada, State of, 154
Coroners, County, 2R.* 1314
Gaming Actions Discontinuance, Preamble, 1330
Ireland, State of, 489; Com. moved for, 683, 764, 770, 1079, 1090, 1194, 1197, 1206, 1208
Oregon Territory, 229
Railways, Com. moved for, 289
Scinde, Ameers of, 450—Vote of Thanks to the Army, 535

Saltoun, Lord—Acknowledgment of Vote of Thanks, c. 41

Sanatory Condition of the Lower Orders, l. 220

Sang's Naturalization, l. 1R.* 335; 2R.* 490; Rep.* 602; 3R.* 858; *c.* 1R.* 1208

Saxe Coburg-Gotha, Duke of, Death of the, c. 208

Scarlett, Hon. R. C. (*Horsham*)
Address in Answer to the Speech, 132

Schoedde, Major-General—Acknowledgment of Vote of Thanks, c. 42

Scinde, Ameers of, c. 342; Amend. (Mr. Roebuck) 364, [*o. q.* A. 68, N. 202, M. 134] 458; *l.* Vote of Thanks to the Army, 490; *c* 525; Amend. (Mr. S. Crawford), 573, [*o. q.* A. 164, N. 9, M. 155] 578

Scotland, see *Roskeen, Disturbances at*

Selby Railway, see *Leeds*

Sessional Orders, c. 155

Shaftesbury, Earl of
Standing Orders, 41

Shaw, Right Hon. F. (*Dublin University*)
Address in Answer to the Speech, Report, 190 197
Ireland, State of, Com. moved for, 960, 1004, 1229, 1291, 1293, 1298, 1312

Sheil, Right Hon. R. L. (*Dungarvon*)
Ireland, State of, Com. moved for, 1070, 1075, 1076, 1187, 1203, 1348

Sibthorp, Colonel D. L. W. (*Lincoln*)
Railways, Com. moved for, 255
Supplies, Stopping the—Public Grievances, 325

Slave Trade, Abolition of the, l. 209;—see *Right of Search*

Small Debts Courts, c. 1R.* 273, 683

Smith, Right Hon. R. V. (*Northampton*)
Gaming Actions Discontinuance, 2R. 802
Scinde, Ameers of, 456—Vote of Thanks to the Army, 546

Smith, Right Hon. T. B. C. (*Ripon*)
Ireland, State of, Com. moved for, 1333

Smythe, Hon. G. A. P. S. (*Canterbury*)
Ireland, State of, Com. moved for, 1116

Solicitor General, The, (Sir W. W. Follett) (*Exeter*)
Ireland, State of, Com. moved for, 1194

Somerset, Right Hon. Lord G. C. H. (*Monmouthshire*)
Custom House Frauds, 602

South Western Railway, see *Epsom*

Spain, Affairs of, l. 501

Speaker, The (The Right Hon. C. S. Lefevre) (*Hampshire, N.*)
Address in Answer to the Speech, 42, 59
Factories, Leave, 286
Strangers—Publication of the Debates, Com. moved for, 599

Standing Orders, l. 40; *c.* 144

Stanley, Hon. W. O. (*Anglesea*)
Scinde—Vote of Thanks to the Army, 578

Stanley, Right Hon. Lord (*Lancashire, N.*)
Address in Answer to the Speech, Report, 177
Canada, State of, 144, 145, 681
China, Trade with, 472
Ireland, State of, Com. moved for, 1030, 1068, 1088

Staunton, Sir G. T. (*Portsmouth*)
China, Trade with, 472, 474

Stewart, Mr. P. M. (*Renfrewshire*)
Railways, Com. moved for, 254, 294

Stipendiary Magistrates (Ireland), c. 1096

Stock, Dr. J. (*Cashell*)
Address in Answer to the Speech, Report, 193

Strangers—Publication of the Debates, c. Com. moved for 580, [A. 37, N. 84, M. 47] 600

Superior Courts (Common Law), c. 1R.* 273

Supplies, Stopping the—Public Grievances, c. 296, [*o. q.* A. 130, N. 22, M. 108] 326

Teachers of Schools (Ireland), l. 1R.* 208; 2R.* 335; Rep. 466; 3R.* 490; *c.* 1R.* 1208

Tennent, Mr. J. E. (*Belfast*)
Scinde, Ameers of, 402

Tithes, c. 408

Turnpike Trusts, c. 1106

United States, see *Oregon Territory*

VERNER, Colonel W. (*Armagh Co.*)
Ireland State of, Com. moved for, 1126

Vestries Select, l. 1R.* 1.

VILLIERS, Hon. C. P. (*Wolverhampton*)
Address in Answer to the Speech, 123

WAKLEY, Mr. T. (*Finsbury*)
Gaming Actions Discontinuance, Com. 1320
Landlord and Tenant Commission (Ireland), 327

WALLACE, Mr. R. (*Greenock*)
Address in Answer to the Speech, 83; Report, 194
Custom House Frauds, 601
Ireland, State of, Com moved for, 775
Petitions, Presentation of, 147, 154
Railways, Com. moved for, 246, 274; Amend. 286, 296, 471

WARBURTON, Mr. H. (*Kendal*)
Address in Answer to the Speech, 81
Railways, Com. moved for, 294

WARD, Mr. H. G. (*Sheffield*)
Address in Answer to the Speech; Report, 187
Ireland, State of, Com. moved for, 1017, 1085, 1088
Petitions, Presentation of, 153

WATSON, Mr. W. H. (*Kinsale*)
Gaming Actions Discontinuance, Preamble, 1329

WELLINGTON, Duke of
Bank of England, 272
Ireland, Military Force in, 211;—State of, 880, 890;—Communications with, 1103
Poor-Law (Ireland), 272
Scinde,—Vote of Thanks to the Army, 498
Standing Orders, 40

WESTMEATH, Marquess of
Ireland, State of, 666

WHARNCLIFFE, Lord
Ireland, State of, 606, 610, 620, 623, 624, 635, 649, 653
Judicial Committee of the Privy Council, 1102
Property of Felons, 262

Wich Tree Roads, c. 1R.* 1208

WILDE, Sir T. (*Worcester*)
Ireland, State of, Com. moved for, 1203, 1264

WILLIAMS, Mr. W. (*Coventry*)
Coroners, County, 2R. 1314
Sessional Orders, 155, 158, 159
Strangers—Publication of the Debates, Com. moved for, 595
Supplies, Stopping the—Public Grievances, 303

Witnesses Indemnity (Gaming), l. 1R. 1000; 2R. 1097; 3R.* 1208

WOOD, Mr. C. (*Halifax*)
Metropolis Improvements, That the Bill do pass, 524, 522
Scinde—Vote of Thanks to the Army, 570

WORTLEY, Hon. J. S. (*Buteshire*)
Gaming Actions Discontinuance, 2R. 789, 794, 808; Com. *cl.* 1, 1324, 1326; Preamble, 1327, 1329, 1331
Poor-Law Amendment, Leave, 487

WORTLEY, Hon. J. S. (*Yorkshire, W. R.*)
Canada, State of, 144
Factories, Leave, 283
Gaming Actions Discontinuance, Com. *cl.* 1, 1322
Metropolis Improvements, That the Bill do pass, 522
Railways, Com. moved for, 253

WYNDHAM, Colonel C. (*Sussex, W.*)
Gaming Actions Discontinuance, Com. 1319
Sessional Orders, 158

WYSE, Mr. T. (*Waterford City*)
Address in Answer to the Speech, 116; Report, 170, 175, 186, 189
Education, 334
Ireland, State of, Com. moved for, 726

YOUNG, Mr. J. (*Cavan Co.*)
Ireland, State of, Com. moved for, 820

THE END OF VOL. LXXII.

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